

National Inquiry into
Missing and Murdered
Indigenous Women and Girls



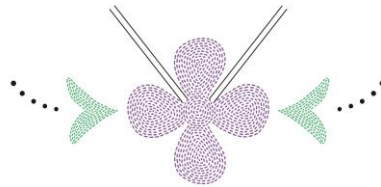
Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

**National Inquiry into Missing and Murdered
Indigenous Women and Girls**

**Truth-Gathering Process Part III
Expert & Knowledge-Keeper Panel**

“Racism”

**Chelsea Hotel, Churchill Ballroom
Toronto, Ontario**



Part III Volume VIII

Monday June 11, 2018

Panel I: Intersections between Racism and 2SLGBTQ issues

Albert McLeod, Two Spirited People of Manitoba (2SPM)

Fallon Andy, Knowledge-keeper & Advocate

**Heard by Chief Commissioner Marion Buller
& Commissioners Brian Eyolfson & Qajaq Robinson**

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Second Chair: Francine Merasty (Commission Counsel)

Witness: Albert McLeod, Two Spirited People of Manitoba (2SPM)

Counsel: Christa Big Canoe (Commission Counsel)

Witness: Fallon Andy, Knowledge-keeper & Advocate

Counsel: Christa Big Canoe (Commission Counsel)

Heard by Chief Commissioner Marion Buller & Commissioners Brian Eyolfson & Qajaq Robinson

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Clerk: Maryiam Khoury

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1 Toronto, Ontario

2 --- The hearing starts on Monday, June 11th, 2018 at
3 8:13 a.m.

4 **MS. SHERI DOXTATOR:** (Speaks in Oneida).

5 Good morning, everyone. My name is Sheri Doxtator. My
6 spirit name is Travelling Woman, and I am of the People of
7 the Standing Stone, Onyota'a:ka, on the Thames, just
8 outside of London, Ontario.

9 It truly is my honour this morning to be
10 your Master of Ceremonies to get this day started off. So,
11 this morning, we did have a sunrise pipe ceremony to set us
12 off in a good way this morning, along with the elders that
13 we have present. It truly is my honour to be before you
14 with the families that are here, that are represented, and
15 all of our hearts that are with you as well, as well as the
16 Commissioners that are here, and I want to make sure that
17 everyone in the room here understands this space today,
18 that what we are trying to create is a space that is non-
19 judgmental, a place that is caring and loving, and a place
20 that will honour those who are no longer walking with us on
21 this earth.

22 So, with that, I do want to do some quick
23 introductions of people that are here, and start us off in
24 a good way this morning, as well. As part of our elders'
25 forum that we have here this morning, we will have -- Paula

1 Shilling is here over to my left here behind me. We have
2 Rita Blind, Norma Jacobs, and we have Charlotte Jacobs, and
3 we also have Grandmother Blu Waters with us as well joining
4 us today. And, I'd also like to call upon Valarie King and
5 Norma to offer a few words of this opening this morning.
6 So, if I could get Valarie and Norma to come up at this
7 time? And, Valarie is from the Mississaugas of the New
8 Credit, which is the territory that we stand on today, that
9 we honour and respect all our ancestors that we share this
10 territory this morning. So, I'll call Valarie and Norma up
11 to say a few words this morning.

12 **MS. VALARIE KING:** (Speaks in Anishinaabe)
13 Mississaugas of New Credit. What I said is my name is She
14 Who Speaks the Truth, Woman Warrior Leader. I'm from
15 Mississaugas of the New Credit First Nation, and I am Bear
16 Clan.

17 This area has been my traditional territory.
18 We are located about an hour from here, southern Ontario,
19 where there's about over 1,500 of Mississauga people. So,
20 I welcome you to this area. I'm not fluent in the
21 language, I've been trying to learn the language, but I
22 know our songs.

23 And, I'm grateful that you're here, it's sad
24 that we have to come together in this kind of way, to bring
25 our thoughts together about what we need to talk about,

1 what needs to be said. And, I ask that our minds come
2 together in a good way and that it be brushed off before we
3 come into this space together, and that we come and focus
4 on what we need to focus on, and that I'm grateful for the
5 people that are here, that the medicines -- the maskihki,
6 the medicines that are here, in the next room and in here,
7 there is medicines to help us. And, the spirits of the
8 women that are here, that are helping us.

9 After Norma talks, I want to sing a song
10 that came to my family. Me and my -- I have seven children
11 and we work with women in our area of the missing and
12 murdered, their families. And, some of the songs have come
13 to us, and the first song talks about, they're on the path,
14 on the outside of the path, the journey, and they're all
15 standing there, and they're all saying, you, and you, and
16 you, and you, when you're ready to listen, we'll help you.
17 We'll help you on this path.

18 So, to me, when that song came -- at the
19 time, I was working at the Native Women Centre in Hamilton
20 with the women, and that song came after we did a vigil,
21 and we did a feast and offered food. So, ever since that
22 point, some songs have come and I've continued to work with
23 the families, and I know that they come -- that they all
24 come and listen to what's happening, but they also help us.
25 They also help us on the path to help our people. And, I'm

1 really grateful to them, I'm really grateful to them and
2 I'm really mindful of the messages that have come.

3 So, I'm really grateful that you are able to
4 come here and help each other and support each other and --
5 with that respect and kindness.

6 **MS. NORMA JACOBS:** (Speaking in Cayuga).
7 Good morning. I'm happy to be here this morning and I am
8 grateful that I arrived safely, and I'm also glad that you
9 are here and that you also arrived safely. And, we're so
10 fortunate that we have people who guide us and bring us to
11 this place of -- you know, using our minds and having
12 communication, and that -- you know, that we speak clearly.

13 And, in our ways, they always -- you know,
14 when we open that -- we always ask that people make their
15 ears sharp, that you open your ears and -- you know, to --
16 because we're supposed to ask permission for everything
17 that we do, and so we're asking our bodies to -- you know,
18 to be aware that things are happening, and that we open our
19 minds, and open our ears, and open our eyes so that we can
20 see and think and hear clearly. And, you know, to use our
21 good intention of being here and to be in our truth and to
22 listen with our hearts.

23 That's the most important thing, is to be
24 able to listen, you know, from our hearts, because our
25 minds can turn things around so quickly and we have to have

1 that clear mind as well. If we're happy in our hearts,
2 then it affects every part of our bodies. So, we need to
3 -- you know, to have that focused and -- to really hear
4 what people are saying and to bring us to this place of --
5 you know, between the ship and the canoe.

6 As part of our teachings, you know, to --
7 one of the gifts that was negotiated between the ship and
8 the canoe was the Two Row Wampum. And so, when we think
9 about that in our path that we walk, we were to walk side
10 by side with discipline and with respect. And, you know,
11 through the years, that agreement still holds strong with
12 our people, we all remember that because that's part of our
13 teaching growing up in our communities, in our native ways,
14 our celebrations and acknowledgments, that when we come
15 together, that we are in our own canoe, that you are in
16 your own ship and to try to understand because we're, you
17 know, coming from two different perspectives, that we don't
18 think the same, or we have a different way of seeing, a
19 different way of understanding, and that was the reason for
20 -- to have good communication. And, that days could go by
21 until we become clear about what the discussion is about.
22 So, that way, we can, you know, agree and we can talk
23 together down this path with one mind, with a good mind.

24 So, you know, that's really important for us
25 to have that communication and to really understand, you

1 know, where each individual is coming from because we're
2 all different, even in our own groups of people that are in
3 the canoe, and that's why we stay together. We live
4 together in our lodge, in our longhouses, because we had
5 to, you know, communicate to one another, we had to have
6 that good mind, we had to have that love for one another.
7 We were there to encourage one another and to validate and
8 acknowledge, you know, their being. We had to have, you
9 know, those kind, caring words. Awenhokde (ph), you know,
10 so that when we spoke to one another, that it was not out
11 of fear or that someone was towering over us, but it was
12 because we were equal and that we could, you know, share
13 our deepest thoughts, our dreams and our visions, and we
14 could, you know, embrace one another, encourage one another
15 to move forward with that because we have given it so much
16 thought.

17 We've thought about the things, we've had
18 dreams about them, and our purpose here was to make them
19 come true, you know, to see them happening because it's not
20 just about today. It's about yesterday. The past. It's
21 about today and it's about the future. We're always in
22 consideration of that, that those people who come after us
23 are going to be able enjoy the things that the creator gave
24 us, you know, to have peace, to have wellness, and wellness
25 in all aspects of ourself. Those were the things that were

1 provided to us on this human journey, was to have medicine,
2 was to have food, was to have supports from all of the
3 plants and from the animals, you know, that we work
4 together because we can't exist without one another. We
5 have to have water, we have to have air. All of us need
6 that.

7 So, everything in the, you know, granting of
8 this earth walk by the creator, the creator worked hard to
9 be able to put those things in place that -- you know, that
10 human beings would need when they come here from our
11 journey from the sky world. So, we always start with that
12 in -- you know, in our ceremonies, in our greetings to one
13 another, was to give thanks, was to give thanks for the
14 people because we need people in order to communicate, to
15 be supportive and to be encouraging, to be welcoming, to be
16 acknowledging and validating. We need people in order to
17 have a well community. We need people to have a well
18 family. You know, to be filled with love. Those are the
19 things that the Creator gave us. You know, they're very
20 simple, but we had to work at it, and we have a
21 relationship with our environment, you know? We go out and
22 pick berries. I picked berries yesterday, you know, the
23 wild strawberries, our first gift, you know, from the earth
24 that's here to help us to cleanse, you know, and then to
25 rebuild our bodies once again.

1 You know, they come at their own time, you
2 know, but they always go back and encourage the rest of the
3 environment with all of its gifts to come forward. You
4 know, this is how the human beings treated us, so come this
5 way. So, every day, you know, we woke up this morning, how
6 grateful I was to be able to have this life again, you
7 know, to do something to help people in whatever way that
8 is. You know, to stand up and move. You know, throw your
9 legs over the side of the bed and to walk. You know, to
10 think about those things, they're simple things, you know,
11 about living life.

12 You know, your family is well. Our families
13 are well, you know, and to be able to acknowledge that, you
14 know, that we have medicines to draw on if they're not
15 well. You know, we can help support them in some way. We
16 have the air to breathe, you know, to refresh our lungs,
17 and to, you know, be able to see the sunshine, or to hear
18 the raindrops, or to hear the thunders, to feel the wind
19 wrap around us and to remind us that we're human and that
20 we need each other, you know. We need that air to survive.
21 All basic things, you know, and how many of us this morning
22 were able to do that? You know, just for ourselves and to
23 calm ourselves and to be grateful for life?

24 So, you know, these are the things that, you
25 know, that I've learned over time. I was fortunate to, you

1 know, be able to learn from our own ways. And, you know,
2 my name, Guy-how-wak-ow (phonetic) means that I'm holding
3 the canoe, you know? But, because it's a female name, that
4 it's not just about me; it's about those women behind me.
5 All of those women, my ancestors, my grandmas and my mom,
6 you know, all those ancestors that support me in standing
7 here today, to be able to be a speaker, you know, and to
8 work with many people, no matter where they come from. You
9 know, they're human, and they need to be understood. They
10 need to be validated, and they need to be put -- you know,
11 if they ask a question, to share my story.

12 You know, I'm Wolf Clan and, you know, I
13 live at Six Nations. I've been there all my life and, you
14 know, I grew up with my mom and dad, and my sisters and
15 brothers, and I really take pride in who I am as a woman,
16 as a Onkwehonwe woman. You know, my responsibilities of
17 caring for my family, my community, you know, and for the
18 environment. I work hard at that every day. So, you know,
19 I have a -- you know, a huge vessel, this canoe, that I
20 filled up in my journey to come this far, and you know, I
21 carry knowledge and songs and speeches, you know, and I'm
22 very much grounded in my culture as a Hodinohso:ni woman.
23 I'm proud of that.

24 You know, I'm here to be a helper to
25 everyone who requests that, you know, and I do my best,

1 whatever is given to me, to be able to provide that. So,
2 you know, those are the values, you know, that were given
3 to us, that we have a culture, that we have values that
4 support that culture or that are born out of that culture.
5 We have a belief system which shapes our attitudes and our
6 behaviours. You know, what more could a person ask?
7 Because they're all there in front of us, every day. The
8 sun shines, the stars come out, the moon; all of those
9 elements that work together to give us a good life on this
10 earth walk.

11 So, you know, I just want to be able to
12 share that with you about, you know, the canoe and the ship
13 and our treaties, because we have many. And, you know, I
14 would like to see that, you know, those things restored,
15 and that we follow our truth and that, you know, those in a
16 ship would follow their truths as well, and to honour those
17 things, because that's part of the giving of values.

18 That's part of recognition, and we all need that, you know.

19 So, our greatest gift is life, you know, and
20 to treat it as such, that it is a gift, and that we are to
21 honour it, respect it, and to do those things that, you
22 know, guide and direct us in our stories, in our songs, in
23 our ceremonies. And, you know, they're very valid, and
24 they're very powerful. You know, our prayers that we do in
25 our time, you know, of gathering have that, you know,

1 message to the Creator to give thanks every day, and to
2 honour that life.

3 So, you know, in coming here today and to,
4 you know, hear the stories of people who have had losses,
5 you know, and how to -- I'm one of those people who have
6 had a great loss and, you know, trying to re-establish
7 myself to understand, you know, why this occurred, why has
8 this happened in our communities? And, you know, to open
9 your heart and to open your mind, because it's not about
10 the values that the Creator gave us. It's not about
11 honouring that, because we all come with our own time that
12 we exist here, we live life on this earth. Only the
13 Creator knows when it's our time to leave, not by someone
14 else's hand, but the time that the Creator gave us when we
15 left the Sky World.

16 So, I want to thank you all for being here
17 today and, you know, that we move forward together in a
18 good way, to really understand, and to accept, you know,
19 each other's story, and to honour those stories for having
20 the trust, you know, which is a place that we struggle with
21 in trusting, you know, because of things that have occurred
22 in the past.

23 So, we want to begin to, you know, to
24 establish those things again, those values that were given
25 to us, you know, to speak our truth, to have trust in one

1 another, and to believe that our journeys were meant to be
2 as we come here to share, you know, and to listen, and to
3 be open, you know, to receive this information. So, I
4 thank you again for being here, and for coming with that
5 good mind and that good heart, and to carry those words
6 with you as you hear people speak, to carry those words of
7 encouragement and to respond in a good, kind, caring way.
8 Háw'aa.

9 **MS LAUREEN BLU WATERS:** (speaks in Cree) My
10 name is Laureen Blu Waters, that's my name that the
11 government gave me and that's the name that they have me
12 registered under. I'm very grateful this morning that we
13 heard from Norma, we heard from Val, two of our Knowledge
14 Keepers who carry the knowledge. They've been through
15 ceremonies, they've been sitting in community, they've been
16 learning from many people, so I want to give thanks to
17 them, first of all.

18 Also to give thanks to the Mississaugas of
19 the New Credit, and the (INDIGENOUS WORD) on whose land
20 that we stand. That has to be said first and foremost
21 before we go into anything. I'm very honoured that I can
22 stand here and do this work on this territory.

23 So, I'm gonna start off by saying (speaks in
24 Cree). My name is Earth's Song, and I'm a ayahkwew. A
25 ayahkwew means "neither man or woman", I'm all of them, and

1 I like to let people know that right away, because there's
2 a lot of our people who are lost, they don't know who they
3 are. They don't know where their role is and where their
4 place is in society. It causes a lot of confusion, it
5 causes our youth to wander the streets and not know where
6 they are and who they belong to.

7 I think we all belong to the Star Nation, so
8 I honour all those youth that are lost right now in their
9 journeys not knowing who they are. And I honour all those
10 youth that know who they are and are standing up for who
11 they are. It's going outside those boxes that we've been
12 made to fit in, boxes of a certain way we have to be, a
13 certain way we have to look, a certain way of how we are.
14 So I wanna acknowledge all those people.

15 I wanna acknowledge the big drum that's
16 here. We're in the presence of a big drum, with the drum
17 group Eagle Women, and they do very great work, they go in
18 and sing in community. And they sing on that big drum
19 because that big drum came from a woman and it came down to
20 make peace. And in my view and my understanding: doesn't
21 matter who's sitting at it, what matters is the intentions,
22 what matters is what are they doing at that drum; are they
23 praying, are they conducting themselves in a good way. And
24 Eagle Women singers do that, so I honour you, today, hai,
25 hai.

1 I'm gonna try and not to make it so long,
2 but we've all been through a very traumatic experience.
3 That traumatic experience is knowing that we got an
4 extension of six months. And I don't want you to focus on
5 only being six months, because at least we got time to see
6 more families. I want you to focus on why did you come
7 here. For those of you who work here, why are you working
8 here? You came for a reason, you came to help the women,
9 the children, the two-spirit, all those that were lost, all
10 those that are still missing.

11 You came with a purpose. Don't let
12 somebody's decision crumble the work that's been done. We
13 need to focus on the future, what are we doing here.

14 My (CREE WORD), Robert Skyman, this is what
15 you're working for. He's going around and smudging
16 everybody, he is the future, he is the one that's going to
17 change what's gonna happen in the future. He's the one
18 that's gonna change the things that right now are not
19 working. And he's changing them because you're doing that
20 work, so don't let anybody stop you and don't get
21 discouraged. Because it is very discouraging that we only
22 get, received a six-month extension, but at least that's
23 six months more of talking to other people that are waiting
24 to tell their story; that's what's important.

25 We have to hear the stories, and we have to

1 make sure that as we hear those stories, we don't become
2 overwhelmed and create lateral violence. Because we become
3 so entwined in what's being said that it becomes heavy.
4 And when we talk with people, it turns out to be lateral
5 violence, we're like: "I'm too busy right now, leave me
6 alone. Oh, I got so much work to do." And that stops the
7 communication between you and other people, between you and
8 maybe getting help from that person.

9 So, listen carefully, still use your eyes
10 and pray that today and pray that your eyes and your ears
11 are gonna be opened to see the people that are coming in
12 your path and to hear the words they're gonna say to you,
13 to help you with your journey.

14 I ask that each of you be blessed by the
15 Creator, so that you can continue walking in the way that
16 you are, walking in a good way with, caring with love and
17 compassion and kindness, taking care of all those that you
18 come into contact with, taking care of all of the lost
19 people.

20 Because we are lost people, everything was
21 taken from us; our land, our way of life, and we're just
22 coming back into it, we're coming back into finding our
23 place in society, and we know our place is a very important
24 place. Because we were once the ones that took care of
25 this land, we know everything that we needed to know. And

1 now some of us have not learned those lessons, so I ask the
2 Creator that he blesses us with those lessons, put the
3 people in our path to teach us what we need to know, to be
4 strong warriors.

5 And a warrior doesn't mean that you're just
6 in battle; a warrior means that you're strategic, that you
7 know what you're doing. When you're a warrior, you have to
8 be intelligent, you have to know why am I fighting, what am
9 I fighting for, what will be the results of it. And if you
10 feel that it needs to be fought for, then you fight for it;
11 if you feel that you can talk somebody and reason, then you
12 reason. Always use aggression as the last resort when you
13 feel threatened for your life, not as a way of making
14 somebody else to submit to something.

15 So these things I pray for this morning. I
16 don't want to run too late because I know there's many
17 people, so I wanna thank you for giving me this time to
18 come before you and ask for these things from the Creator,
19 and to hear your prayers and to know that your prayers will
20 be answered.

21 And that by the end of this National
22 Inquiry, we will have the information and compose it into a
23 report as best as we can. Because those people who came
24 and told their stories, their stories need to be heard, we
25 can't just hold them and put them on a shelf; we have to

1 let the rest of the community know what's needed and how we
2 can help and make changes.

3 So these things I ask for, I ask that our
4 four Commissioners, Chief Marion Buller, Qajaq Robinson,
5 Michèle Audette, Brian Eyolfson, that the Creator help them
6 do this work, help them to be strong, compassionate people,
7 help them to work with their head and their heart, so that
8 they can compile this evidence so that the report will be
9 finished at the end and all those that wanted to be heard
10 will be heard, because our people are rising, hai, hai for
11 Red rising. Thank you.

12 **M. PAUL SHILLING:** Good morning. My name is
13 Paul Shilling, that's my English Christian name. My spirit
14 name is (INDIGENOUS LANGUAGE). The first time coming to a
15 place of healing and reconcile.

16 I'm the youngest of 13. Slowly, my older
17 siblings are leaving this world; they've been in
18 residential school, and to this day, they don't even know
19 who they are. It's very sad, it hurts to see them leave
20 this way. I wanna say just a few things, and one thing I
21 wanna say is that the world, you know, man is in control;
22 he's rich, he's powerful, and he doesn't know who he is,
23 that's why he can do the things he can do.

24 The hardest thing to be today is a human
25 being. When you've been ripped apart, it's difficult to be

1 a human being. For my first 38 years, I was full of anger,
2 full of hate, full of shame, prejudice and racist. So I
3 ask everybody here, all of us, to really do the work, look
4 inside. And as you begin to heal and discover who you are
5 and how beautiful you are, all that crap drops away, all of
6 the hatred, anger, shame and racism will drop away.

7 That's our responsibility as human beings,
8 and as men and women, First Nations men and women and
9 grandmothers and grandfathers, that's the hardest thing we
10 will do, but we can do that, we can do that together as a
11 family, as a people. And we can be the teachers, we can be
12 the leaders on healing and moving forward. Thank you.

13 **MS. VALARIE KING:** You know, racism to me is
14 a very hard word. For 10 years, eight years I went to
15 school, to university and I always had to research my
16 papers to find evidence to back up what I was saying about
17 what happened to our people. And I didn't come across very
18 nice things, but it helps me.

19 I didn't want to go to university but a
20 dream came for me to go, to help my people so that's what
21 drove me to go.

22 So that's what I'm doing, I'm helping our
23 people in our community. I work with Dr. Hill on Six
24 Nations, and Alva Jamison, she's a traditional herbalist.
25 So we all work together for our people in a holistic way.

1 Dr. Hill looks at the medical stuff,
2 physical stuff. Alva does the readings, and I do the --
3 help her with the medicines and we have other people
4 working with medicines with her. And then I do the
5 counselling. But I call it holistic counselling, it's not
6 just Western. I listen to what the stories about what's
7 happening, what's happening with them. And then it always
8 goes back.

9 It's called, in the Western world,
10 intergenerational trauma. It always stems back from what
11 happened to our people, not just last week but what's
12 happened the last 500 years to our people. It's hard.
13 It's hard to come and share what's happened because
14 sometimes it's the first time.

15 So I use everything possible that I can use;
16 I use my whistle, I use my drum, I use the medicines, I use
17 essential oils, I use energy, I send them back to Alva to
18 do readings. We do ceremonies, sing songs, and sometimes
19 there's more than one people because -- to work with them,
20 because there has to be.

21 So, you know, there's negative things I can
22 say about supporting racism towards our people but I want
23 to focus on what we're doing here today and the opportunity
24 that it's bringing today for that healing.

25 And when I was standing here, I was just

1 going to sing the one song but I'm doing to sing two rounds
2 of the Water Song because every day that's what we're to be
3 thankful for is to have our tobacco and to have our water.
4 And as a woman, we're to take care of that water. And it's
5 very simple; all the water wants, all (undiscernible) wants
6 is to say thank you. So this song says I thank you, I
7 respect you, and I love you. And that came from the water
8 walk that Josephine Mandamin has done.

9 So I'm going to sing that song and then the
10 other one that I talked about, two rounds through.

11 And that helps us. That helps us to stay in
12 touch with our body, our water inside. The water and the
13 earth, (undiscernible) the thunder waters, and the water
14 that just pass within the trees, that maple syrup water
15 that we use in ceremonies all year long.

16 (Singing in Anishinaabe)

17 **MS. SHERI DOXTATOR:** I want to say miigwetch
18 to Norma and Blue for the words and Paul, miigwetch. I'm
19 going to sing this song to honour our murdered and missing
20 women.

21 (Singing in Anishinaabe)

22 **MS. VALARIE KING:** Miigwetch.

23 **MS. SHERI DOXTATOR:** (Speaking in Oneida
24 language) to those wonderful words that we shared this
25 morning, and thank you to Val for sharing that beautiful

1 song.

2 At this time we are going to be lighting of
3 the qulliq, and we have Naulaq LeDrew that's going to walk
4 us through that as well. So I'll move out of the way for
5 that.

6 **MS. NAULAQ LEDREW:** (speaking in Inuktitut).

7 Thank you.

8 My name is Naulaq; Naulaq LeDrew. I'm
9 originally from Nunavut. I am elected Inuit Elder in the
10 (undiscernible) community. Thank you for having me here.

11 I would like to open this with a prayer.
12 I'm going to light up my Qulliq first.

13 (PRAYER IN INUKTITUT)

14 **MS. NAULAQ LEDREW:** By the grace of our Lord
15 Jesus Christ, and the love of God and the fellowship of the
16 Holy Ghost be with us now and forevermore.

17 Amen.

18 I would like to point out I -- this is my
19 first time here. And I would like to acknowledge our
20 fallen relatives. My relatives have also been in somebody
21 else -- who died in somebody else's hands.

22 I would like to have an open mind and -- and
23 try and move forward. The qulliq is our Inuit tool that we
24 try and keep burning and pass it down to our generations.
25 The qulliq is a symbol of our life. It keeps us warm. It

1 cooks our food; it dries our seal and clothing; and when we
2 do, us women, when we are in a big huge distress, we call
3 upon our ancestors to help us through our hardship. So,
4 I'll be burning this for today. Nakurmiik. Thank you.

5 **MS. SHERI DOXTATOR:** Thank you, Naulaq. At
6 this time, I'd like to introduce the members of the
7 National Family Advisory Circle that are present with us
8 here today as well. We have Laurie Odjick, Cynthia
9 Cardinal, Ceejai Julian. We also have Barbara Manitowabi
10 and we have Bonnie Fowler and Carrie-Lee Julian (phonetic),
11 and we also want to recognize Pauline Muskego, Micah Arreak
12 and Myrna Laplante and Lorraine Clements as well.

13 So, at this time, I'd like to call upon Barb
14 Manitowabi to come forward, and she'd like to offer a few
15 words as well. Barb.

16 **MS. BARBARA MANITOWABI:** (Speaks in
17 Anishinaabe). Barbara Manitowabi (speaks in Anishinaabe)
18 Mississaugas First Nation (speaks in Anishinaabe).

19 Good morning. Myself and NFAC, National
20 Family Advisory Circle, we made some little speech, little
21 notes on what we'd like to say. Our role is to advise the
22 Commissioners and support them, and share our truth, and
23 the issues we're discussing this week are racism and how
24 they affect our families, survivors, our two-spirit
25 families and survivors.

1 We will hear about something we are all too
2 familiar with, racism, in our institutions and almost
3 everywhere we go. On the third day, we will hear about how
4 we were portrayed in the media, journalism and film, and
5 how that affects our young people. And, all of us here as
6 family members and survivors, we know that racism and
7 poverty are the key issues and at the heart of the matter,
8 causing our families, sisters, brothers, all going missing.

9 We do this work because we don't want our
10 aunties, daughters, sisters, cousins, friends, mothers to
11 go missing. We do this work because it matters. We do
12 this because of other missing women. It's going to take
13 years to undo the damage that racism has done to our
14 communities and our nations. We're talking about 500 years
15 of suffering, and two years to undo it all. The process
16 has been so hard.

17 We have no choice but to keep fighting, and
18 we keep pushing, and we're united and strong as NFAC, and
19 we know why we're doing this work. We know that even
20 though there are only little small positive gains and then
21 we get pushed back again, it's those tiny, tiny little
22 gains that we keep trying to push forward, push forward,
23 little gains, little gains, to better our communities, to
24 better our families. The government has decided not to
25 grant our extension, and we all met and cried over it, but

1 we're still strong. We're still united, and we're going to
2 keep pushing.

3 I'd like to thank everyone for coming, my
4 sisters, and our Commissioners who have the hardest job,
5 listening, hearing, feeling what our families are telling
6 them, and I don't know anybody that can listen to over 500
7 stories. They're walking with Spirit. Spirit is
8 protecting them. We're protecting them. We're united in
9 this, and I'm praying all the time, and so are our women.
10 And, while we wish we had more time, I know that, you know,
11 if we just save one, it's worth it. It's worth it. And, I
12 think we're done.

13 I'm happy to see that we have a lot of
14 familiar faces that I know through doing this work. And,
15 every time we come out and stand up, it means something.
16 It's going to be a long three days, and -- but we've got
17 some really great minds here, really great hearts and a lot
18 of love, and we're going to do it right. Miigwetch.

19 **MS. SHERI DOXATOR:** Yong-go (phonetic)
20 miigwetch for those moving words from our National Family
21 Advisory Circle. And, Barb, that was amazing, thank you
22 for that.

23 Just before we get some opening comments
24 from our Commissioners, I just want to remind people, if
25 you haven't already, to turn your cell phones off or put

1 them on vibrate. Just so you're aware, if you are an elder
2 in the room as well, we have our elder's panel up here as
3 well that's available for any type of health supports.
4 But, anyone wearing a purple lanyard today, if you do need
5 extra help or support, please feel free to call over. They
6 may just check up on you from time to time, so they will be
7 doing that as well.

8 So, what I would like to do now is turn it
9 over to our Commissioners. They're here and present, Chief
10 Commissioner Buller, Commissioner Eyolfson and Commissioner
11 Robinson, and turn it over for a few opening comments from
12 them as well. So, I'll turn it over to our Chief
13 Commissioner today. Thank you.

14 **CHIEF COMMISSIONER MARION BULLER:** Thank
15 you. Good morning. Good morning, my friends. I want to
16 start by calling in and honouring the spirits of the
17 missing and murdered Indigenous women and girls in Canada.
18 I also want to remember the very special courage and
19 challenges faced by the members of the 2SLGBTQ community.

20 I acknowledge the lands of many Indigenous
21 peoples and nations who have walked on this land before us.
22 I acknowledge the Indigenous and non-Indigenous peoples who
23 have walked this land today. And, I acknowledge that these
24 lands are the recognized traditional treaty territory of
25 the Mississauga Anishinaabe Nation of which the Mississauga

1 of the New Credit First Nation are apart. Also, I thank
2 the Mississauga Anishinaabe Nation for welcoming us so
3 warmly into their territory, and for hosting us for the
4 next three days. Thank you, elders, and thank you to the
5 drum.

6 I want to start with a sincere welcome to
7 those in attendance today, our elders, our grandmothers,
8 our drummers and our singers, family, survivors and members
9 of the National Family Advisory Circle, our honoured
10 witnesses, and those of you who are joining us today in
11 person and those who are joining us by way of webcast. I
12 also want to extend my thanks to everyone who joins us
13 today in honouring our missing and murdered Indigenous
14 loved ones.

15 As you know, the mandate of the National
16 Inquiry is to inquire into and report on systemic causes of
17 all forms of violence against Indigenous women and girls in
18 Canada, and we have to make recommendations for concrete
19 actions, ultimately, so we're not losing our women and
20 girls and LGBTQ2S people. The enormity of this task, this
21 mandate cannot be taken lightly.

22 It is for this reason that I must once again
23 express my profound disappointment with the 6-month
24 extension recently granted to us by the Government of
25 Canada. This is a very limited extension and, in my view,

1 it's extremely short-sighted. It undermines our ability to
2 properly complete this historic work, and it does a huge
3 disservice to the thousands of missing and murdered
4 Indigenous women and girls in Canada, also a huge
5 disservice to their families and to the survivors of
6 violence.

7 Many of those women have advocated for
8 decades for this National Inquiry. Despite these profound
9 challenges, we have to press on, all of us. This work
10 honours those who are missing, those who have been murdered
11 and those who have survived violence first-hand. We can't
12 let them down, because also we've been entrusted to give
13 voice to the lived experiences of those who have suffered
14 the effects of violence and we have to press on because the
15 Commissioners and the National Inquiry staff and myself
16 have been given a sacred responsibility, and that's to do
17 the best work we can and to make the best recommendations
18 that we can.

19 To date, we have heard powerful testimony
20 from more than 1,200 people across Canada, some who have
21 lost loved ones, others who have survived violence. We're
22 committed to hearing from 600 more. We have heard from
23 traditional knowledge keepers and experts who shared
24 insights and expertise, and I thank them. I thank all of
25 the families and survivors who have trusted us to share

1 their stories with us. I also want to thank those who have
2 called us back and told us that as a result of talking to
3 us and sharing their truths, they've moved on in a good way
4 in their own lives, that they started their healing paths
5 and living life in a good way. And, I just want to share
6 one experience with you.

7 One woman phoned back after having spoken to
8 me and said because of sharing her truth, she was able to
9 go to the police and lay charges against her abusive foster
10 family, something she never had the courage to do. So, the
11 healing is already starting, and I'm grateful for the
12 opportunity to hear those stories and hear the feedback
13 about healing starting already in a good way.

14 So, we have an exciting week ahead of us.
15 We're going to learn about something we already know.
16 We're going to learn about racism, but we're going to learn
17 about it in a different way. Some new twists and turns
18 about racism that maybe we hadn't thought about before. We
19 have a lot to learn, and I think that our witnesses that
20 we're going to hear from this week are going to teach us
21 some important aspects of racism that maybe we haven't
22 thought about before. It's important work because it's
23 going to help us lay the foundation for our final report
24 and recommendations to follow. I've been looking forward
25 to this week for quite a while because I have a lot to

1 learn.

2 I hope you have, as the elders have reminded
3 us, an open heart and open mind this week. Enough of me
4 talking. Now, I want to call on my dear colleagues.
5 First, Commissioner Brian Eyolfson. Thank you all.

6 **COMMISSIONER BRIAN EYOLFSON:** Good morning,
7 everybody. Oni (phonetic). I'd like to start by
8 acknowledging the land that we're on that many Indigenous
9 peoples and nations have walked on this land before, and
10 also that we're on the recognized traditional treaty
11 territory of the Mississauga Anishinaabe Nation of which
12 the Mississauga of the New Credit First Nation is a part
13 of. And, I want to say thank you for the welcome to this
14 territory as well, as we do our work this week.

15 I also want to thank and acknowledge the
16 elders and the grandmothers who are here with us this
17 morning, who have helped get us started in a good way with
18 the very thoughtful words, with song and the lighting of
19 the gulliq, so thank you. And, I want to acknowledge and
20 thank all the families and survivors who are joining us
21 here today. I also want to acknowledge the drum and thank
22 the drummers for being here with us.

23 And, as you know, the National Inquiry is
24 guided by the advice of the National Family Advisory
25 Circle, or NFAC, who are family members who have lost loved

1 ones and survivors of violence. And, I want to thank them
2 for being here with us this week as well. Our NFAC members
3 come from various regions across the country, different
4 communities from coast to coast to coast. And, their role
5 in guiding the work of the National Inquiry is very
6 important, and they do this by providing advice directly to
7 the Commissioners and assisting staff during our planning
8 stages and during our hearings that we have. And, they
9 help ensure that the lived experiences of families and
10 survivors are truly heard by the National Inquiry.

11 And, the members of the National Family
12 Advisory Circle are strong women who have been advocating
13 for years to have this Inquiry take place and we're really
14 honoured this week to have -- I believe we have nine NFAC
15 members who will be sitting up here with us this week and
16 helping us do our work, and as Commissioners, we're
17 supported by this sacred gift.

18 So, this week, as Marion said, we're going
19 to be hearing about racism, we're going to hear about
20 racism in its various forms, whether that be institutional
21 racism, ignorance, stigma, stereotypes or racially
22 motivated violence. Racism is prevalent in our society and
23 we need to eradicate racism and discrimination that impacts
24 the lives of Indigenous women and girls, and trans and two-
25 spirit people on a daily basis. And, we hope that

1 Canadians will engage with us and with each other as we
2 shine a light on these issues, as we all seek to end
3 violence that Indigenous women, girls and LGBTQ people face
4 on a daily basis. Our women and girls are sacred.

5 So, I'd like to thank everybody who has
6 joined us to learn with us, whether that's here in person
7 or by webcast. I especially want to thank the witnesses
8 who are here with us this week and the parties with
9 standing for the contributions that they'll make during
10 this process, and I look forward to working with you all
11 over the next few days. Thank you very much. Chi-
12 miigwetch.

13 **COMMISSIONER QAJAQ ROBINSON:** Ulatgut
14 (phonetic). Good morning. My name is Qajaq Robinson, I am
15 one of the Commissioners. I would like to start by giving
16 thanks for the warm welcome we've received, particularly
17 from the host nation, the Mississaugas of New Credit, also
18 the Hodinohso:ni people. I'd like to thank our elders, I'd
19 like to thank Naulaq, (speaking in Indigenous language).
20 And, the members of the National Family Advisory Circle,
21 for your presence and also your words.

22 I'd also like to acknowledge and express my
23 gratitude for the attendance of families and survivors,
24 parties with standing, members of the community, and those
25 who are bearing witness either here in person or on the

1 feed. It's really important that we all gather again and
2 continue this very important work.

3 I want to express that I'm committed to
4 finding the truth and solutions for those who have been
5 lost to violence, those who have survived violence and
6 those who continue to live with violence today. This is
7 not a history. We're not looking at the past. This is an
8 issue today and we are reminded of that every day. So, we
9 must think about those who are living this life right now
10 and the children who are going to face this if we don't do
11 what we need to do now.

12 The work of the Inquiry must lead to
13 meaningful systemic change that creates concrete measures
14 and actions that are going to ensure that Indigenous women
15 and girls, trans and two-spirit individuals are safe in
16 communities, but are also thriving, regaining their place
17 and their power within our communities.

18 Like many who have spoken before me this
19 morning, I was deeply frustrated and disappointed with the
20 government's recent decision regarding the extension. I
21 was very disappointed that they rejected our request for 24
22 more months. This was not a request we made lightly or
23 unilaterally. We spoke to many families, we consulted with
24 our National Family Advisory Circle. We thought of all the
25 families that we've heard from who want to share, and we

1 also looked at the importance of capturing the regional
2 realities.

3 This is a huge country and the issues facing
4 Indigenous women, girls, trans and two-spirited in Toronto
5 are different than the experience in Clyde River, to
6 Winnipeg, to Fort Qu'Appelle, to Vancouver, to Halifax, to
7 Whitehorse, and we needed the time to dig into those
8 realities, but also to find those solutions at the
9 grassroots level that we've heard so much about from the
10 families, those solutions that have positively impacted
11 their lives. We needed to hear from them.

12 Sadly, what we received was a limited
13 extension of six months. The key word here is "limited".
14 What this does is it effectively dismiss our
15 recommendations and what we've worked hard to realize this
16 was the time needed to do the work. But, worse and my
17 biggest fear was it muzzled, it limits the voices and the
18 truths we are going to hear, but not only we need to hear,
19 but this country needs to hear. We are not the voice for
20 the families and survivors, the two-spirited and the trans,
21 they are their voice and this was to be a vehicle, a
22 platform, and I'm incredibly saddened that that is being
23 limited. It restricts our collective ability to fully
24 understand the root causes. It restricts our ability and
25 limits our ability to develop comprehensive

1 recommendations. And, again, this saddens me.

2 When we got the news, I was reminded though,
3 of the words of Sandra Montour who shared with us in
4 Calgary, who, like many frontline and grassroots workers,
5 have come to live with the reality of limited resources and
6 limited supports. They're asked to do so much, but barely
7 given the resources to do what they know needs to be done.
8 She's shared with us that they have become the experts in
9 making a pot of soup for everyone with \$0.50.

10 So, I stand before you, guided by Sandra and
11 many of the families and survivors and the grassroots
12 people that we've heard from, that with this six months, we
13 will try to make the most soup we can. We must be guided
14 by them and continue to do this work, and ensure that the
15 families and survivors who have shared with us, their
16 experience, their wisdom, their knowledge continues to be
17 honoured and amplified.

18 Which brings us to this week, we're talking
19 about racism and misogyny. Let's call it what it is. I
20 was very happy when we decided to focus on this because
21 we've heard from so many families and survivors that, in
22 their interactions with institutions and players within
23 government agencies, and even within their communities,
24 they confronted racism, discrimination and misogyny. We
25 have to confront this. We have to call what it is. And

1 we're hoping that what we've learned from families will be
2 built on this week and we'll continue to understand how
3 racism and misogyny has played a role and continues to play
4 a tremendous role in the marginalisation and the oppression
5 of Indigenous women and girls, trans and two-spirited.

6 We're going to hear things that may shock
7 many in this country, but I know won't shock many in this
8 room and won't shock many of the families that we've heard
9 from. But we must confront this reality and address this
10 truth and work towards solutions to eliminate it, because
11 Indigenous women and girls, trans and two-spirited will not
12 be in a position to reclaim their space and their power and
13 their rightful role in this country if we don't address
14 this.

15 Barb captured it perfectly and I'm not going
16 to try and reiterate it, but I'm very grateful to be here,
17 very grateful to continue this conversation, and to address
18 this ugly truth of racism and misogyny this week.

19 (Speaking in Native language). Miigwich.

20 **MS. SHERI DOXTATOR:** Thank you for those
21 words and opening comments to Commissioner and
22 Commissioners that are here today.

23 Right now I'd like to move forward with a
24 gifting ceremony as well, so I'd like to call upon
25 Grandmother Bernie Poitras to walk us through that.

1 **GRANDMOTHER BERNIE POITRAS:** Easy. I'm fun-
2 size, I'm not short. I just want to say haawa and good
3 morning. My name is Gul Kitt Jaad. I come from the
4 territory of the Haida Gwaii. My name means Golden Spruce
5 Woman and my hereditary Chief's name is Oz A, which means
6 Chief of Two Villages.

7 I want to say haawa to the Anishinaabe and
8 other territory also of the Hodinohso:ni. I also like to
9 recognise that the Elders and the grandmothers here today
10 too, if there is any Chiefs here, I want to say haawa to
11 you, but also to our national family advisory circle who
12 really plays a really, a really huge part of this work, but
13 also to our Commissioners. I'm used to looking this way.
14 Good morning to you, and also to the presenters.

15 And I was listening and -- about the
16 extension and I know that we were really hurt by this news
17 last week. We were with some of the family members, like,
18 in Vancouver. And I was reminded just a couple of days
19 ago, the G7 was here -- and I'm really not going to get
20 into too much over this, but \$600 million was spent on the
21 events like that, you know, had taken place, like, with the
22 G7. This is a value that I look at as a family member and
23 as a survivor that has brought us here today. And when I
24 watch part of, like, the G7, there was really nothing that
25 -- I just kept looking at this \$53 million that was given

1 to the National Inquiry but 600 million for the events that
2 surrounded at the G7. That's what got me really angry.

3 And I'm really grateful that we are all here
4 today to address, and it was already brought up, that this
5 is nothing new. This is nothing new. I'm 61 years old and
6 this is all I've known is to be attacked, you know, because
7 -- well, of the colour of my sin -- my skin. I have a T-
8 shirt that says that the only sin is my skin. I used to
9 wear that down while on Robson Street. People would look
10 and put their heads down. I deliberately did that, like,
11 to make a point. And here we are today, but I'm here to --
12 is offer some gifts on behalf of the Commissioners.

13 In my culture, as a hereditary Chief, is
14 that, like, the copper is the highest gift that you can
15 give, and but also it's used for as protection too, so I'm
16 going to just move along with it. I'd like to invite,
17 like, the Commissioners up here to give to Valerie King.
18 And I'd like to invite Paul Shilling up. I'd like to
19 invite up Norma Jacobs, our Elder. And I apologise if I
20 can't say this, is Naulaq, and Sheri Doxtater and Mika
21 Eriks (ph), and Charlotte Jacobs and Pauline Muskego.

22 Some of these family members have already
23 received, like, the copper and that before, so if you're
24 wondering.

25 And we'd also like to invite up our young

1 man whose been carrying this medicine on this floor here
2 too for all of us. And this is the reason why we are here.
3 I'm also, like, a grandmother of nine grandchildren. And
4 I'd like to invite Chief Commissioner Buller. This is the
5 reason why we're here. And this young man's name, like, is
6 Robert Virtue (ph). This is the reason why we're here.
7 When we walked across Canada seven times in Vancouver my --
8 or, like, my granddaughter asked me, she said, "Nana." She
9 said, "Why are you doing that? Why are you walking so far
10 and why are you gone for so long?" And I said, "I'm
11 walking for you."

12 It was one of the hardest things to do to
13 know that, like, these children are being exploited out
14 there and they're human trafficked. And I really want to -
15 - is everyone of you to acknowledge, like, this young man,
16 like, for carrying that medicine. Robert.

17 Háw'aa. Háw'aa. I say thank you. I said
18 thank you. But, I just want to say háw'aa to everybody
19 again, and to the Commissioners and also to remember
20 Commissioner Michèle Audette, prayers for everybody here,
21 and just be kind to one another. Háw'aa.

22 **MS. BARBARA MANITOWABI:** Thank you for that,
23 Grandmother Bernie. Now, I'd like to recognize the drum as
24 well, and we're going to turn it over to the Sioux Eagle
25 Women's Drug Group and the Spirit Wind Drummers, and they

1 will carry us through with some songs this morning. I turn
2 it over to you.

3 **MS. SUE CROWEAGLE:** Good morning, everyone.
4 My name is Sue Croweagle, and we're the Eagle Women
5 Singers. We're going to start off with an opening honour
6 song for the missing and murdered women.

7 (MUSICAL PRESENTATION)

8 **MS. AMY DESJARLAIS:** Miigwetch. Bonjour.
9 (Speaks in Indigenous language). Good morning, everybody.
10 It is an honour to be here to sing for the women, for all
11 of you. We are Spirit Wind. My name is -- my HST name is
12 Amy Desjarlais. My sister here is Michele Perpaul. She
13 taught me many of the songs and taught me how to find my
14 voice, so I'm very grateful to her, and to sing for all of
15 you today. Chi-miigwetch.

16 (MUSICAL PRESENTATION)

17 **MS SHERI DOXTATOR:** (Speaking in Oneida)
18 Beautiful songs, beautiful singers. I'd just like to
19 acknowledge the drums as well, thank you for that. I also
20 wanna acknowledge all the sacred items that were brought
21 here today, that are here to help us set us in a good way,
22 in our good minds. Thank you all those who spoke this
23 morning for welcoming and acknowledging all those items and
24 all those words that need to be said before all others.

25 The traditional territory that we sit on is

1 here and open and we're ready to start the work that needs
2 to happen this week. The one thing that I do recall,
3 Norma's saying, is that you have to have the sharp ears,
4 and we do acknowledge that as well, that we are here to
5 listen, to open your ears and have those sharp ears.

6 I'd also like to say that this week is gonna
7 be talking a lot about some heavy subjects, that we are
8 here as a hearing on racism, here, in Toronto. The one
9 thing I do want to acknowledge as well is behind us, we do
10 have a series of quilts that are here that travel with all
11 the hearings across Canada. And those are from various
12 communities, and the communities put their words, their
13 hearts, their minds, their emotions into the making of
14 these quilts as well, so I wanna acknowledge all of that as
15 well.

16 It truly has been my honour to walk you
17 through this opening ceremony this morning, and just before
18 we do transition, I do want to let you know that there will
19 be lunch served as well at noon, so I just wanna let
20 everybody know that is here in attendance that we will be
21 doing that.

22 But I wanna leave you with these words. As
23 I went around this morning and greeting a lot of the people
24 that you heard this morning and spoke, that it really was,
25 for me, about acknowledging those are no longer with us,

1 and our Ancestors, and allowing them into this space, into
2 our hearts, this week.

3 And some of that may be difficult for some
4 of us, some of that may be challenging, and for some of us
5 it may be enlightening and it may be loving in caring and
6 kindness, and that's what I'm hoping that you will all get
7 out of this and receive out of this: that we all help each
8 other through this healing journey, through all of our
9 lives.

10 So with that, there is, I'd like to
11 acknowledge some of the words that I actually found on this
12 quilt over to my far right. "Do you hear that song? It's
13 the call of our common humanity. Listen to the call."
14 (Speaking in Oneida), thank you very much, merci beaucoup,
15 (Speaking in Oneida).

16 **CHIEF COMMISSIONNER BULLER:** We'll take a
17 five-minute break.

18 --- Upon recessing at 9:52 a.m.

19 --- Upon Resuming at 10:07 a.m.

20 **MS. CHRISTA BIG CANOE:** Good morning.
21 (Speaking Anishnaabe). Good morning. We're about to get
22 started. Chief Commissioner and Commissioners, (speaking
23 Anishnaabe language). Thank you. I was reminded this
24 morning to introduce myself and to do so in my language,
25 because I am from this traditional territory. I'm

1 Anishinaabekwe from Georgina Island First Nation. My
2 name's Christa. I'm one of the Commission counsel, and my
3 job is to work with the witnesses to present evidence to
4 the Commission.

5 So, before we start, I just had a couple
6 quick housekeeping notes, if I may. I just wanted to
7 remind counsel, if they have not had an opportunity to draw
8 their number for cross-examination to please do so at the
9 break, right at the beginning of break, and that the
10 numbers will be due back at the end of the break.

11 So, good morning, Commissioner, Chief
12 Commissioners. I wanted to start with the first panel. As
13 everyone knows, we're here for knowledge keeper and expert
14 hearings on racism. And, the first two witnesses that
15 we'll be calling this morning are Albert McLeod and Fallon
16 Andy.

17 And so, the way that we're going to do the
18 order is we will actually have Albert affirm in first and
19 testify. And, following the break, we'll have Fallon do
20 the same. We'll see -- you'll see that there will be some
21 overlapping issues that both witnesses will be speaking
22 about, but they also have distinct issues. The panel is
23 actually to address LGBTQQIA issues and the intersection
24 between racism.

25 And so, with that, I would like to start,

1 Mr. Registrar, with Mr. McLeod being affirmed in on an
2 eagle feather.

3 **MR. BRYAN ZANDBERG:** Good morning, Albert.
4 Do you have an eagle feather with you? On the blanket.
5 Okay. Albert, do you solemnly affirm to tell the truth,
6 the whole truth, and nothing but the truth?

7 **ALBERT MCLEOD:** I do.

8 **ALBERT MCLEOD, Affirmed:**

9 **MR. BRYAN ZANDBERG:** Okay.

10 **--- EXAMINATION IN-CHIEF BY MS. CHRISTA BIG CANOE:**

11 **MS. CHRISTA BIG CANOE:** Thank you. So, at
12 this point, I'm going to ask if there's any counsel in the
13 room that objects to the process in which I'll be
14 qualifying Mr. McLeod or if they want to state they have no
15 position on the record. Okay. So, seeing no objections
16 and no position, I propose that I will qualify Mr. McLeod
17 in a brief and short way.

18 And so, the first thing I would actually
19 like to start with is just to ask you, Albert, and may I
20 call you Albert, some questions. So, can we start with you
21 sharing a little bit of your background with us?

22 **ALBERT MCLEOD:** So, I was raised in a small
23 village called Carmrent (phonetic) in northern Manitoba.
24 We eventually moved to The Pas, the Town of The Pas in
25 1963, and I was principally raised in The Pas of a Métis

1 family, a large Métis family consisting of Scottish
2 heritage. My name is Albert William McLeod, which is the
3 name of my grandfather's ancestors from Scotland, and they
4 worked for the Hudson's Bay Company for a number of
5 generations and married Cree women from northern Manitoba.
6 So, that is sort of the Scottish-Métis heritage that I
7 have.

8 And, growing up in The Pas in the 1960's, as
9 we know from the results of the Helen Betty Osborne case,
10 the murder, the extent of racism in Mount Toburk (phonetic)
11 Canada at that time, which in her case eventually ended up
12 with her murdered. I left The Pas when I was 19. I had
13 come out as a gay male in high school when I was about 17.
14 So, I was generally seeking a safe community. The Pas
15 itself was a very homophobic, transphobic environment as
16 well as a racist environment, and people really didn't have
17 the skills or knowledge to deal with gender identity or
18 sexual orientation.

19 And, I soon left, ended up in Vancouver from
20 1979 to 1983 where I lived principally in a gay-cultural
21 community of two-spirit people, primarily gay men who had
22 done the same thing I had. They had come from small towns,
23 reserves. They were Métis, First Nations, Inuit. And, we
24 created our own subculture there in Vancouver. It's one of
25 the oldest LGBT movements in North America. It's 41 years

1 old today as a society.

2 And, that's where I kind of got my footing
3 in terms of my identity, my spirituality. It was a
4 cultural society. It was adopted generally into the west
5 coast culture. And, I returned to Winnipeg in 1983 because
6 of HIV. I thought I could out run it. But, by 1986, a
7 friend of mine from -- a First Nations friend of mine from
8 Manitoba had been diagnosed with AIDS and died the
9 following year in 1987. So, since then, I have been living
10 in Winnipeg since 1983 principally advocating on HIV/AIDS
11 issues and Indigenous peoples as well as doing advocacy
12 around Indigenous LGBTQ issues regionally, nationally and
13 internationally with the groups in the United States.

14 **MS. CHRISTA BIG CANOE:** Thank you. And, I
15 just want to ask if I can draw your attention to your
16 résumé. This is your résumé, and there's -- I want to ask
17 you, is there anything you want to highlight from your
18 résumé for the Commissioners to note about your experience
19 or any of your background?

20 **ALBERT MCLEOD:** Well, I think one of the
21 things we've been working on is the impact of Indian
22 residential schools historically at how it affected
23 Indigenous people, but as well as other Canadians. And,
24 Senator Sinclair makes the point that even though the
25 residential school targeted Indigenous families and

1 children, Canadians of the day, the last 150 years have
2 been impacted by the idea of segregation of inculcation to
3 Christianity as well as using violence as a mode of forced
4 simulation of Indigenous peoples, and then the
5 extinguishment of languages and cultural identity.

6 So, I've been working a number of years with
7 the Manitobans for Healing and Reconciliation. And, in the
8 aspect of the work I do today, it really is working with
9 people wherever they're at from a harm-reduction approach
10 and that they carry knowledge, they carry gifts. It could
11 be their language, could be their memory of their
12 childhood, those kind of things. So, really, it is
13 centring people as a perspective of healing, but also
14 working with Indigenous people and newcomers to understand
15 our history and to understand that we have something to
16 contribute to Canadian society in every aspect whether it's
17 science, health, technology, and then our ideas of history
18 and healing.

19 **MS. CHRISTA BIG CANOE:** Thank you. I also
20 note that in addition to what you've shared with us, you do
21 -- you've done a lot of writing as well and publications
22 that I noted on your résumé. Chief Commissioner and
23 Commissioners, I'm going to ask that this be marked as an
24 exhibit.

25 **CHIEF COMMISSIONER MARION BULLER:** Yes, the

1 résumé of Albert McLeod is Exhibit 1, please.

2 --- Exhibit 1:

3 Résumé of Albert W. McLeod (three
4 pages)

5 Witness: Albert McLeod, Two Spirited
6 People of Manitoba (2SPM)

7 Submitted by Christa Big Canoe,
8 Commission Counsel

9 **MS. CHRISTA BIG CANOE:** Albert, I understand
10 that you also participate and do traditional ceremony and
11 practice, can you just tell us a little bit about that?

12 **ALBERT MCLEOD:** Well, in 1986, in the
13 slides, I'll reference that in our sort of little
14 collective in Winnipeg at the time of gay and lesbian
15 Indigenous people, we were kind of segregated from the
16 broader LGBT community, and there was really no central
17 place. We had a Friendship Centre in Winnipeg, but we
18 really didn't feel aligned with the Indigenous
19 organizations at the time, and because we had two youth
20 suicides within two months, it really galvanized us to
21 think about how can we support these youth so that they're
22 dealing with whatever they're dealing coming to the city,
23 which is really not a friendly place to Indigenous people,
24 and in 1986, racism was quite extreme in Winnipeg. So, if
25 you're First Nations, Inuit or a Métis youth migrating to

1 the city, you would be experiencing not only racism, but
2 only homophobia and transphobia.

3 So, we began to organize, and by 1986, we
4 approached an elder, Barbara Daniels, and she was part of
5 the traditional community in Southern Manitoba, she's
6 originally from the Island Lake area, and we offered her
7 tobacco because we were curious. We knew about ceremony.
8 We vaguely knew about sweat lodges and sun dance, but they
9 were mostly -- so far removed from us, we didn't feel we
10 understood the protocol to be a part of those ceremonies,
11 because we perceived them as very heterosexual, normative,
12 in terms of -- as well as binary gender in terms of males
13 and female construction, and just the appropriate protocols
14 to be a part of that.

15 So, as queer people, we kind of felt
16 alienated to that world, and certainly, there were no
17 overtures to acknowledge gay people or to welcome gay
18 people into those particular ceremonies.

19 So, we were very cautious at that time until
20 Barbara Daniels accepted our tobacco and began to teach us.
21 So, she was one of our principal teachers in Winnipeg at
22 the time where she began to instruct us, and instructed us
23 for about eight years about the different protocols, the
24 different medicines, and there's different understandings
25 of the Ojibwe, the Oji-Cree, and the Cree understanding of

1 culture and tradition in that region.

2 **MS. CHRISTA BIG CANOE:** And, more than 30
3 years later, you're still practising ceremonies and doing
4 Indigenous practice in Winnipeg with Indigenous people?

5 **ALBERT MCLEOD:** Yes.

6 **MS. CHRISTA BIG CANOE:** Chief Commissioner
7 and Commissioners, based on the knowledge and skills,
8 practical experience, training and education as described
9 by Mr. McLeod, I am tending Albert as a knowledge keeper
10 with life experience in traditional and ceremonial
11 Indigenous practice, gender identification and as an expert
12 in facilitating education and awareness in HIV and AIDS,
13 harm reductions, and issues experienced by the two-spirited
14 community.

15 **CHIEF COMMISSIONER MARION BULLER:** Thank
16 you. Yes, we are satisfied, given the evidence that's been
17 tendered, that Mr. McLeod is a knowledge keeper capable of
18 giving opinion evidence in the areas suggested by
19 Commission counsel.

20 **MS. CHRISTA BIG CANOE:** Thank you. So, I
21 understand that you've prepared for us a presentation, and
22 that might be a good starting point. Did you want to start
23 with the slide presentation?

24 **ALBERT MCLEOD:** Yes. Some of the work I do,
25 you know, we all understand sort of contemporary ways of

1 distributing knowledge, sharing knowledge, and it's mostly
2 from a western world view which is English as the main
3 vehicle of transferring words or reading about identity and
4 culture.

5 And, myself as an artist, I know the power
6 of visualization and sort of the cues that you receive from
7 colours, or images, or silhouettes. And so, part of my
8 education, I think, can only be shared or interpreted
9 through viewing different images from our community, and
10 I'm talking about the two-spirit community, as a way of
11 another degree of learning about the experience of two-
12 spirit people.

13 So, I'm going to start with the first slide.
14 So, the theme of this presentation is Two-Spirits: A
15 Lasting Legacy, in the sense that colonization, primarily
16 in Canada, began 400 years ago. Despite that 400 years,
17 two-spirit people are now at a place of resurgence within
18 Canadian society generally, but also within the Indigenous
19 populations, cultures, as well as families and communities.

20 The first slide is a poster from the second
21 annual two-spirited pow wow that was just held last weekend
22 in Winnipeg on Saturday, and it was part of the Pride Week
23 events. And so, it really is about 30 years of work that
24 this understanding in the broader LGBT community that two-
25 spirit people have been in the Americas prior to

1 colonization, and we have a long history of thousands of
2 years of integration into our cultures and societies, and
3 that our work is really about relating to the experiencing
4 of settler LGBT people and sharing our knowledge and gifts.

5 The Two Spirited People of Manitoba
6 organization began in 1986 as a response to the suicides of
7 two First Nations youth. A group of concerned Indigenous
8 LGBT people began to meet regularly to support each other
9 and to organize community events. Thirty-two years later,
10 we are still creating safe spaces within the broader
11 community.

12 This year, with Sunshine House, we will co-
13 host the second annual two-spirit pow wow in Winnipeg, and
14 I just want to reference in terms of the record of two-
15 spirit people or trans people historically has really been
16 whitewashed or intentionally erased by academics or
17 scientists or the churches in that there's very few
18 historic accounts. There is one I want to reference with
19 regard to the pow wow, which is the painting by George
20 Catlin, the Dance to the Berdash, which is, to me, a
21 metaphor for 200 years ago, the warriors would acknowledge
22 the trans female who was part of the community, and honour
23 the trans woman for their contributions to the warrior
24 society with regard to hunting and with regard to going to
25 battle.

1 And so, George Catlin said at the time that
2 he witnesses this particular honouring Dance to the
3 Berdash, and that he hoped that it would be the last one
4 and it would soon be eliminated from that Indigenous
5 society, and it was eventually eliminated. So, 200 years
6 later, it was really profound that that dance has been
7 introduced, and I happened to be there last Saturday. Next
8 slide.

9 So, the resurgence of two-spirit gender
10 roles is aligned with First Nations, Inuit and Métis fight
11 for equal human rights and fundamental freedoms. On the
12 left in this photograph is We'wha, who lived from 1849 to
13 1896. She was the most famous lhamana, a traditional Zuni
14 gender role. Lhamana lived as women wearing a mixture of
15 women's and men's clothing, and doing a great deal of
16 women's work, as well as serving as mediators.

17 My colleague on the right of the photograph
18 is Kelly Houle, is an Ojibway transgender activist of Sandy
19 Bay First Nations in Manitoba. So, this image extends over
20 a 120-year period, and demonstrates that there is a legacy
21 and a role, a recognized role for two-spirited and trans
22 people. And, for Kelly today, part of her survival is the
23 cultural reclamation that we are undertaking to be members
24 of our own communities and nations. Next slide.

25 On November 28th, 2017, Canada acknowledged

1 and apologized for the harms perpetrated against two-
2 spirited people during the past 300 years of European
3 civilization. I was on the National Advisory Committee
4 that helped craft the apology for the Prime Minister of
5 Canada. Next slide.

6 The apology confirmed that the imposition of
7 colonial binary gender norms on Indigenous peoples was
8 intentional, and that it has led to sexual and gender
9 violence directed toward women and Indigenous LGBTQ2
10 people. Example, today, we're at the National Inquiry for
11 Murdered and Missing Indigenous Women and Girls. The
12 Commissioners' mandate is to examine the report on the
13 systemic causes of all forms of violence against Indigenous
14 women and girls and two-spirit LGBTQ individuals. So, the
15 addition with regard to a genderized National Inquiry of
16 two-spirited people is an indication of what I said, that
17 the gender -- attack on gender of Indigenous women was
18 intentional, historically, by the state.

19 Regretfully, some Canadian media outlets
20 chose to ignore this aspect of colonial history in their
21 reporting of the Prime Minister's apology. The text on the
22 slide -- what the Prime Minister shared is that 300 year
23 colonial period, or the imposition in whatever method was
24 used, whether it was school, academics or religion, to
25 erase the history of Indigenous people. And, I was

1 concerned that Canada's contemporary media left this
2 portion out of the full text as they stated in their
3 reports on television or else in internet.

4 Next slide. Now, this is called the
5 Indigenous cultural imperative. And, it's taken a number
6 of years of working with Roger Roulette who is an Ojibwe
7 Language Specialist in Winnipeg, who is an expert on, sort
8 of, the nuances and philosophy of Indigenous peoples
9 imbedded in the language.

10 And so, in the work that he's done, it's
11 sharing how Indigenous people saw the creation of life with
12 regard to human experience, and I just want to
13 contextualize this, is that today, our primary focus is
14 human to human or person to person. We all carry cell
15 phones, we're texting constantly to each other as humans.
16 But, the pre-contact Indigenous world relied heavily on
17 nature, the ecology, the animal world, the plant world, as
18 well as astrology and the seasons, and today, it's hard for
19 us to fully understand that world view and that life
20 experience.

21 And so, there was an understanding that
22 animals had a process of being created through nature, and
23 that plants as well had that process, and that humans was
24 specific to humans, but it was understood -- in the Ojibwe
25 belief system, it was understood that each newborn child

1 had a purpose, a role and a destiny, and we're known to
2 possess a divine gift.

3 The expression of gender, sex and sexual
4 orientation were pre-ordained by a life force in the
5 spiritual realm. An important ethic that prevented
6 homophobia and transphobia was that of non-interference.
7 It was bad form to question another person's destiny or
8 divine gifts as it implies you question life itself.
9 Spirit naming is an important ritual that connects humans
10 to the spirit world.

11 The name two-spirit was introduced through
12 ceremony at a gathering in 1990 in Manitoba. The name
13 essentially affirms that LGBTQI people are spiritual
14 beings.

15 **MS. CHRISTA BIG CANOE:** So, if I could just
16 interrupt you for one minute, Albert. You mentioned Robert
17 Roulette, that he is an Ojibwe Language Specialist. In the
18 materials, there is a single page document on Pronouns, can
19 you just tell us a little bit about that document?

20 **ALBERT MCLEOD:** Yes. When I was growing up,
21 my -- one of my main, sort of, idols was my grandmother,
22 and -- by the time I was born, she was already 65. And,
23 she was fluent in the Cree language and never spoke
24 English, and she lived to be 90 years old. And, I remember
25 when she would refer to us, she would say -- sometimes she

1 would call us "she" and I was a little boy, and so I was
2 always curious why she couldn't understand the pronouns
3 that we used at the time in the 1960s.

4 And so, similar to the Ojibwe belief system
5 and the role -- the place of the child born is that the
6 human is understood to be an animate being, that gender is
7 only applied or sex is only applied in later contexts, and
8 that as a society, we are to adapt to that reality of the
9 child. So, nouns and pronouns as we understand them from a
10 Canadian -- spoken English are not relevant in this pre-
11 contact culture, whereas we're a very genderized society
12 where we depend on these pronouns to determine our identity
13 and where we fit in today life in Canadian society.

14 So, he has described how it was done using
15 adjectives that reference whether that being was
16 biologically male or biologically female, but it wasn't the
17 first connection to that person. So, essentially, we're
18 all beings in this room, and some of us might be male and
19 some of us might be female, but some of us might not be.
20 So, that's, sort of, the point of view of the Indigenous
21 people pre-contact.

22 **MS. CHRISTA BIG CANOE:** Excellent. And, I
23 note that the single page, Roger Roulette, Ojibwe Language
24 Specialist, Pronouns, and ask that it be marked as an
25 exhibit, please.

1 **COMMISSIONER MARION BULLER:** Yes. Roger
2 Roulette, Ojibwe Language Specialist, Pronouns, will be
3 Exhibit 2, please.

4 --- Exhibit No 2:

5 "Pronouns" by Roger Roulette, Ojibwe
6 language specialist dated September 7,
7 2017 (one page)
8 Witness: Albert McLeod, Two Spirited
9 People of Manitoba (2SPM)
10 Submitted by Christa Big Canoe,
11 Commission Counsel

12 **MS. CHRISTA BIG CANOE:** Thank you.

13 **ALBERT MCLEOD:** Next slide. In pre-contact,
14 Indigenous cultures, gender and sexual diversity was
15 generally embraced and not suppressed. This understanding
16 continues today despite the impact of colonization. Some
17 two-spirit man and trans women are aligned with their
18 ancestral grandmothers in that they have feminine
19 identities, interests and skill sets, they also desire and
20 are attracted to men.

21 The Ojibwe word for trans women is Agokwe or
22 hidden women. Some two-spirit women are aligned with their
23 ancestral grandfathers and therefore follow masculine roles
24 and pursuits. In most cases, two-spirit people have merged
25 gender identities that fit into the Indigenous world view.

1 So, when I was growing up in The Pas, as I
2 said, my grandmother was my main, sort of, identity
3 supporter with regard to my Indigenous identity. And, we
4 couldn't communicate, but she showed me different aspects
5 of culture and I began to sew doll clothes at the age of 10
6 on her treadle sewing machine. So, you could really tell
7 very early on I was aligned with the feminine. And, today,
8 with my peers who are mostly what we call cis man, we
9 project in our society as average heterosexual looking
10 males, but our identity are aligned with the feminine and
11 we call each other with female pronouns. We see each other
12 as more feminine than male, and so we call each other,
13 auntie, sister, mother, grandmother.

14 And, I'm beginning to understand that it's
15 not principally just to relate to each other, but we're
16 honouring the feminine of our ancestral grandmothers. And
17 so that's, sort of, a requirement in our subculture that we
18 acknowledge that influence of the feminine. And, it's
19 through our ancestral -- great grandmothers and
20 grandmothers, mothers and sisters that we are to attain our
21 place in the world.

22 So, I'm highly skilled with women skills, I
23 cook, I bead, I sew, I make regalia, I look after children.
24 So, my pursuits generally are feminine and I have no
25 interest in cars, doing manly things. I can, I'm a good

1 whatever, hunter -- I would be a good hunter, but that's
2 not my destiny or my direction in my life.

3 Oh, next slide -- sorry, did you have a --
4 so just looking at We'wha who is in the photograph.
5 We'wha's life was documented in the book, the Zuni Man-
6 Woman in 1991 by author Will Roscoe. We'wha visited
7 Washington, D.C. in 1886, where she met President Grover
8 Cleveland and was generally mistaken for a cisgender, woman
9 by non-Indigenous people. And, the second photograph is
10 We'wha with her people and how she stands -- she was the
11 tallest and how she -- and so that visual is about the
12 integration and the place of two-spirit within the
13 construction of family and community.

14 Next slide. The federal government and
15 church policy forcibly removing and segregating First
16 Nations children into gender specific dormitories made it
17 impossible for two-spirit identities to exist. Survivor
18 testimony informs us that two-spirited students were, in
19 many cases, targeted for sexual exploitation and
20 humiliation. The damage to Indigenous gender norms is
21 incalculable and the over representation of incarcerated
22 Indigenous men and the murdered and missing Indigenous
23 women and girls may be a symptom of this interference.

24 This is a man in Indian residential school,
25 which burned down in 1952, and as, I guess, the

1 interruption is that these children were removed from
2 traditional environments, from their elders, forbidden to
3 speak their language, and then forced into a colonial
4 gender space that created a lot of confusion and a lot of
5 pain, and again the sexual abuse or physical, emotional and
6 mental abuse again being targeted. So many of these
7 stories I've heard of survivors is that they were
8 specifically targeted within that context.

9 Next slide. So over the past 200 years,
10 various Christian groups have stationed their churches in
11 First Nations, Inuit and Metis communities across Canada.
12 The belief in sinning and the concept of hell was
13 introduced through conversion and coercion.

14 The inherited homophobia and transphobia in
15 these churches has resulted in the continuing silencing,
16 shaming and alienation of two-spirit people. The fact that
17 some of this church staff were secretly sexually abusing
18 the children created another level of silencing and shame
19 that has lasted for generations.

20 This image is of Albert Lacombe's ladder,
21 which was a chart, a tool that was used to describe two
22 Indigenous people, especially children in residential
23 schools, the concept of the devil, the concept of sinning,
24 of shame. And then, as you go forward through baptism and
25 confession and all of that, you go towards god and

1 Christianity and forgiveness, and then you become a real
2 human being.

3 Next slide. This is a close-up of Lacombe's
4 ladder, which on the right shows hell burning, and on the
5 other side is another fire of baptism, and at the very top
6 is god or Jesus in terms of the affirmation that the hero
7 Christian god is supreme over all others, including the
8 animal and the plant world, and that Indigenous people have
9 to convert to fit into this model. So at that time, the
10 last 150 years generally in Canadian society, the existence
11 of queer settler people, queer Indigenous people as
12 ultimately been erased within this construction of
13 Christianity and how government saw itself as a
14 patriarchal.

15 Next slide. So this chart I developed to
16 show the integration of Indigenous relations with ecology
17 and astrology and the place of humans within the physical
18 world, which involves the animal and the plant world. And
19 that the power of life, the force of life is the central
20 orb, another side is the two-spirit people, and we retain
21 some of that energy, that power.

22 Another side of them is the parental male,
23 parental female, those are the ones who have the children.
24 And on either side of the parental male and parental female
25 are these deity roles, which are constructions around

1 fertility with nature, the ultra-male and ultra-female.

2 And again, it's hard to imagine when we go
3 to buy our corn at Sobey's or Safeway, today, that 100
4 years ago we might have had to do a dance and sing a song
5 to ensure that we had corn.

6 So again, just to contextualize these deity
7 roles and how we see them today, reconstructed through the
8 powwow in that the first two categories, gender categories
9 that inter-powwow are the traditional male and the
10 traditional female, which really are a representation of
11 these deity roles that represent fertility. Not human
12 fertility per say, but the fertility of nature and the
13 environment we live in.

14 So next slide. So this is post-contact in
15 terms of the impact of colonization in a contemporary
16 Canadian, North American context or even world context, the
17 only two roles that are sort of socially sanctioned today
18 are the ultra-male. The hyper masculine role that is
19 portrayed as a warrior or a soldier, and that's sort of the
20 patriarchal construction, like you see in European
21 colonization.

22 As well as the construction of the ultra-
23 female, which is supposed to be a model, very beautiful,
24 very feminine, or a goddess. And the other thing I've
25 added to this particular identifiers or descriptions on

1 this slide is that the ultra-male, Adam, from the bible, is
2 referenced there, and Eve is referenced on the ultra-female
3 side, as part of the inculcation of Indigenous children
4 through residential schools. This was framing for them
5 what they had to achieve and what roles that they had to
6 fit into in order to succeed in Canadian society.

7 And this is really the problem today, that
8 if you go back to the previous slide, you can see it was an
9 intricately woven complex understanding of human
10 relationship with nature, and all of that through
11 colonization was disrupted, made illegal, erased. And
12 people actually were imprisoned if they practised this or
13 believed it.

14 Next slide. So the struggle is with the
15 suicides in Canada, it is children who are gifted as not
16 just as two-spirit, they may carry many gifts, but they
17 don't fit into this worldview or this paradigm of the
18 ultra-male and ultra-female. So ultimately, they're
19 humiliated, teased, abused, some are sexually abused, some
20 experience intimidation and violence.

21 And that's why I met my peers in Vancouver
22 in 1979 as they were all from Toronto, Winnipeg, Northern
23 Manitoba, Northern Saskatchewan, is because of this: that
24 they had no place in their family and their community,
25 there was no language to accept and to honour them. And so

1 instead of killing themselves, they went to Vancouver. Next
2 slide. The imposition of colonial gender norms on
3 Indigenous peoples around the world has resulted in the
4 rise of ultra-male and ultra-female or type of roles in
5 colonial states. Social systems like health, justice,
6 education and politics extol these binary gender identities
7 as ideal while discounting or erasing Indigenous values of
8 inclusion and non-interference.

9 The result especially among trans-Indigenous
10 women is they experience not only racism, they experience
11 gender-based violence as a construct of colonization by
12 Christian-Euro, Euro-Christian societies.

13 This first images are of Renée Bloomfield,
14 her murder was suspected on July 14th 2003 and it remains
15 unsolved.

16 The next slide. Davis Bélanger was murdered
17 on September 28th 2004. The murder was solved, the murderer
18 was convicted and sentenced.

19 Next slide. Rose Osborne was murdered on
20 March 4th 2008. The murder was solved, the murderer was
21 convicted and sentenced. And Rose is the sister of Helen-
22 Betty Osborne, so it shows you how persuasive even after 30
23 years; her sister was murdered based on racist ideals, by
24 racist murderers, and her herself has a transwoman was
25 murdered decades later. And how pervasive that violence is

1 in our society.

2 The next slide. With a commitment from
3 Canada to address the harms perpetrated against two-spirit
4 people, we acknowledge these leaders who have lead the
5 research despite the risk of oppression and violence. This
6 poster has Twila Star, Peter Bignell and Chris Hughes, and
7 I wanted to acknowledge them, that we developed this poster
8 to reach out to two-spirit youth so that they didn't feel
9 isolated.

10 The numbers at the bottom are crisis numbers
11 that they can call from wherever they are so that they do
12 not commit suicide, that they can see their own images by
13 these heroic people who agreed to put their images in a
14 public poster, knowing that they could experience violence.
15 And so, that is for the next generation.

16 And I just wanna honour these people, they
17 were at the Two-Spirit Powwow last year in 2017. That's Mawi
18 Newman (ph) and Barbara Bruce. Barbara Bruce is a Métis two-
19 spirit woman activist, and Petalicoot Nina Cuwacapo (ph), who's
20 been doing this work for a very long time.

21 The next slide. This is the last slide.
22 The Two-Spirit Human Rights movement is one of the oldest
23 LGBTQ movements in North America. This year the two-
24 spirited people of Manitoba and Ka Ni Kanichihk
25 organisation will host a 31st gathering at the Sandy-

1 Saulteaux Spiritual Centre near Winnipeg. The gathering is
2 hosted regionally by two-spirit groups throughout Canada
3 and the U.S.

4 So this is the poster for that gathering,
5 and it is our safe space, and at least, at a minimum for
6 the last 31 years, we've had a safe space where we don't
7 have to explain who we are, why we're doing ceremony, why
8 we have male or female partners, why we're trans, all of
9 those things, because we already know that stuff. It's 4
10 days where we have our own -- 4 days out of 365 days where
11 we have our own space. And, ideally, it should be across
12 the board in Indigenous communities and Canada and the U.S.
13 by now.

14 **MS. CHRISTA BIG CANOE:** Thank you, Albert,
15 for sharing your presentation.

16 I kindly request that we make the
17 presentation an exhibit.

18 **CHIEF COMMISSIONER MARION BULLER:** Yes, the
19 presentation will be Exhibit 3, please.

20 --- EXHIBIT NO. 3:

21 Résumé of Albert W. McLeod (three
22 pages)

23 Witness: Albert McLeod, Two Spirited
24 People of Manitoba (2SPM)

25 Submitted by Christa Big Canoe,

1 Commission Counsel

2 **MS. CHRISTA BIG CANOE:** And may I ask some
3 questions, Albert, in relation to what you've presented to
4 us?

5 One of the things that you were describing
6 was need of ethics and a principle of non-interference as
7 when you were talking about pronouns and some of the
8 traditional roles. And so I was wondering if you could
9 help explain a little more about non-interference,
10 particularly as a principle that was used more
11 traditionally prior to contact or colonization.

12 **ALBERT MCLEOD:** It's kind of interesting
13 growing up in the Pas at the time, and by the '50s and '60s
14 a lot of people were now exposed to, you know, Canadian
15 culture through airports or roads being built into very
16 isolated communities where even though European settlers
17 had lived, the principle of paradigm or worldview was
18 Indigenous. So, by the time we were living in the Pas in
19 the early '60s, my -- both my parents were fluent in the
20 Cree language. And in I think understanding that
21 worldview, by the time they knew that they had, you know, a
22 feminine little boy as one of their childs, that that ethic
23 of non-interference was already understood
24 intergenerationally by my parents and my grandparents.

25 And so when I was growing up, you know,

1 there was a tendency to try to get me to conform to being a
2 little boy, and I really didn't feel comfortable doing
3 that. And I'll give you an example is my father wanted me
4 to go to Cub Scouts. And that really wasn't my interest
5 but I went anyway. And there were times where I would
6 pretend that I was sick so I didn't have to go. And, you
7 know, the boys were okay, but and I always tell people that
8 I would have preferred Brownies because I could have made
9 brownies and that would have been my thing; right?

10 So that's that non-interference ethic in the
11 sense that they knew that I had a destiny, I had a role,
12 and that they didn't want to interfere with that and
13 generally didn't. The problem became later when I became
14 adolescent and I was attracted to males. They didn't
15 really have the skills to deal with me. Nobody really did,
16 not even the high school or, you know, anybody in the
17 school at that time. It was very much about the
18 heterosexual lifestyle, assimilating into western ways of
19 being.

20 **MS. CHRISTA BIG CANOE:** In your material you
21 provided just a short excerpt or article on Native ethics
22 and rules of behaviour by Clare C. Brant. And I noticed
23 that Clare also speaks about the principle of non-
24 interference, which is on page 535 of the article, the
25 second page. Specifically, that non-interferences of

1 behavioural norm of North American Native tribes and
2 promotes positive interpersonal relationships by
3 discouraging coercion of any kind, be it physical, verbal
4 or psychological. So when you were talking about just this
5 allowing and you talked about it I think when we're talking
6 about the pronouns as well, that there's a philosophy or
7 term that just recognises a being as a being instead of
8 trying to conform.

9 The principle of non-interference that
10 positive -- what's a way that we can start to utilise that
11 particular principle again?

12 **ALBERT MCLEOD:** Well, I think it's -- again,
13 it's connected to nature and that nature, again, was
14 supreme prior to European contact and Indigenous people fit
15 into the larger reality of nature and we were dependent
16 upon it. So, with non-interference its understanding again
17 is that each being is understood to have a purpose, a role,
18 a destiny and a divine gift.

19 And Roger has told me that if you judge
20 another person's destiny or role or divine gift -- and the
21 divine gift could be their gender identity or their sexual
22 orientation -- that you're saying that you're supreme over
23 creation as a human. And that's where it begins to fall
24 apart is that a human can't make a tree. A human can't
25 make a stone; right? And so that's not our purview to

1 interfere with what creation has made.

2 I'll give you an example, when I was working
3 with Ka Ni Kanichihk, I was requested to go to a gang
4 prevention project to speak with a mother whose son was in
5 a gang and he was gay. And so I sat with the mother and
6 they kind of told me what was happening. He was 14 years
7 old and he was quite a tall child, so but he was in
8 conflicting with his brother because he had said he was gay
9 and he was wearing mascara and listening to weird music.
10 And so after listening to the mother, I told her, I says,
11 "Well, there's nothing wrong with your son. He's perfectly
12 normal. What's wrong is your reaction that your son is
13 gay. And the reality is you and his heterosexual brother
14 have to adapt to that reality. That's your job. Your son
15 doesn't have to do anything because he's expressing his
16 true identity to you truthfully and you're reacting
17 negatively to that reality."

18 So it changed after that. That boy began to
19 flourish once his mother and his brother realized it was
20 their problem and their work was to adapt to that reality
21 that creation had given them that gay is fine. And so
22 that's an example about non-interference is that we can't
23 fall back into those Euro-Canadian or Euro-colonial ideas
24 about, you know, if someone has a child, you know, why do
25 you think that it's going to be heterosexual; right? You

1 can have an ultrasound that tells you its sex, but no one's
2 going to give you an ultrasound that tells you its gender
3 identity or sexual orientation; right?

4 **MS. CHRISTA BIG CANOE:** And I noticed that -
5 - and we don't have to get into each of them, but I noticed
6 that Clare actually discusses a number of sort of
7 principles or concepts. And so my question for you really
8 is, you know, is it important that we look back at some of
9 these concepts as part of the solution to helping society
10 embrace positive change?

11 **ALBERT MCLEOD:** Well, I think if you look
12 back to the human history of Manitoba around Winnipeg that
13 Indigenous history goes back 8,000 years. The colonial
14 state has only been here 300 years. Now, tell me who has
15 the longest understanding of ecology and science and
16 technology in that area or relationship with the plants or
17 the animals.

18 I just want to reference, you know, in that
19 history one of the people who has written about
20 colonization, not just in Canada but around the world, is
21 Albert Memmi in 1957 wrote a book, "The Colonizer and the
22 Colonized." And he says that because the colonized have no
23 other model to look at after introduction with the
24 colonizer, they look to the colonizer for the model; right?

25 And he said that the two tools of

1 colonization, the two principal tools are racism and
2 terror. Anywhere you go in the world today, you can see
3 colonization continuing; right? And, the two tools that I
4 used are racism and terror. That's why -- that's what this
5 is today. This is terror. If an Indigenous woman or a
6 two-spirit person can leave their home and disappear and
7 not be seen for 16 years, that was Helen Betty Osborne,
8 that's the terror.

9 The other terror is the destruction of the
10 land, the ecology, the water. That's the other part of the
11 terror. The trauma and the terror that happened to
12 Indigenous women on the Prairies was the extermination of
13 the bison. Sixteen million bison were destroyed within
14 five years, the very foundation of the Indigenous peoples'
15 lives on the Prairies, and that terror has never been
16 unpacked. No one's ever explained, right, that
17 extermination. That's the context of colonization is
18 terror, to weaken people's resolve, to weaken people's
19 confidence.

20 **MS. CHRISTA BIG CANOE:** Thank you. I'm
21 sorry, this is a matter of housekeeping. I kindly request
22 that *Native Ethics and Rules of Behaviour* by Clare C.
23 Brant, the excerpt that's in the material, is marked the
24 next exhibit.

25 **CHIEF COMMISSIONER MARION BULLER:** Exhibit 4

1 will be *Native Ethics and Rules of Behaviour*, Clare Brant,
2 MD.

3 --- Exhibit No 4:

4 Article "Native Ethics and Rules of
5 Behaviour" by Clare C. Brant, M.D.,
6 Canadian Journal of Psychology Volume
7 35, August 1990 (pp. 534-539)
8 Witness: Albert McLeod, Two Spirited
9 People of Manitoba (2SPM)
10 Submitted by Christa Big Canoe,
11 Commission Counsel

12 **MS. CHRISTA BIG CANOE:** And, Albert, I have
13 another question in relation to the presentation you shared
14 with us, and it was the last slide. And, it was your
15 comments that this is the safe space, this is our own
16 space, and you said, "We already know what we need." So,
17 I'm hoping you can unpack that a little more when you say
18 "we know" -- like the community that you identify with, "we
19 know what we need", and that every place, every Indigenous
20 community should have a space like this. Can you expand a
21 little bit on that in terms of creating solutions and
22 finding safe spaces?

23 **ALBERT MCLEOD:** Well, I think right now in
24 North America there are 17 two-spirit organizations that
25 are doing this work. So, within their own region, family,

1 community, travel organization or First Nations, and I know
2 Beardy's First Nation is having their pride again this
3 year, so it's really showing at the local level -- you
4 know, Chief and counsel are standing up, grandparents are
5 standing up, and they're honouring their LGBT children and
6 grandchildren, and creating these safe spaces.

7 And, Dr. Alex Wilson from the University of
8 Saskatchewan talks about in the broader context of being
9 LGBT or two-spirit, we kind of come out generally in
10 society, but she talks about coming in. So, coming in as
11 coming in to our family, coming in to our community, coming
12 in to our culture and taking our rightful space and place.

13 And so, with the gathering, in the drafting
14 of -- or the draft for the Prime Minister's apology in
15 November, not all my advice was taken, unfortunately, and
16 two of the areas I had asked Canada as the federal
17 government to undertake, because as Indigenous people,
18 queer people, we don't have a lot of resources at our
19 fingers to make things happen to travel, to socialize and
20 those kind of things, we kind of live, you know, in poverty
21 generally, was that the Prime Minister would work with the
22 Big Five, which is AFN, NWAC, ITK, MNC, CAP and I can't
23 remember -- was that five?

24 **MS. CHRISTA BIG CANOE:** That was five.

25 **ALBERT MCLEOD:** That was five? And then the

1 churches, the five churches, who were involved in the
2 Indian residential school era to unpack the impact on two-
3 spirit people and work towards an apology. In fact, in the
4 sense of to negotiate our rightful place in these
5 communities and that I know there's been pressure for the
6 Pope to come to Canada and apologize, and I believe the
7 Pope should also apologize for the introduction of
8 homophobia and transphobia in Indigenous communities.

9 And so, it wasn't identified in the final
10 apology, but that's a standing issue, is that the Inuit,
11 the First Nations and the Métis, they have to start
12 developing program for LGBT Indigenous people across
13 Canada. For the most part, we're left out of research,
14 we're left out of housing, we're left out of employment,
15 we're left out of human rights issues, and that can't
16 continue if these five organizations are fighting for human
17 rights and fighting for Indigenous rights that we have to
18 be a part of that process at the highest level.

19 And, I met National Chief Perry Bellegarde
20 with my colleague, Connie Moraciti (phonetic), in 2015.
21 And, I put it to him that the AFN needs to create a two-
22 spirit council. The AFN has a Women's Council, an Elder's
23 Council and a Youth Council, and I don't know how they can
24 speak for two-spirit people if they're not two-spirited.

25 **MS. CHRISTA BIG CANOE:** So, Albert, one of

1 the things you were talking about was Dr. Alexandra
2 Wilson's concept of "coming in". And, when we're talking
3 about safe spaces, I note that in your material there's a
4 document called, Safe and Caring Schools for Two-Spirit
5 Youth. And, this is a guide for teachers and students, I
6 understand, that was created by the Society for Safer and
7 Caring Schools and Communities.

8 On page 11 of that document, there is
9 information about the coming in or the concept of "coming
10 in", but the entire guide actually speaks to ways to find
11 safer spaces in schools. And, I want you to maybe share a
12 little bit more about this document or other concepts in it
13 that could help provide solutions to ensuring safe space
14 for two-spirited youth across the country.

15 **ALBERT MCLEOD:** Well, I think, generally,
16 you know, when you have your rights of passage as you
17 become an adolescent as you -- you know, whether you're gay
18 or straight, and you begin to develop your social peers,
19 and then you go through, you know, elementary school,
20 junior high or high school, those are important stages in a
21 person's life, because you're preparing to be a part of
22 society to have a job, to have a career, to contribute.
23 So, it's the economic foundation of your future.

24 In many cases, because of the homophobia and
25 transphobia, a lot of two-spirit people never get through

1 -- get to high school. They're already intimidated and
2 humiliated and teased that they eventually quit school very
3 early, so they never make it to have a grade 12 diploma,
4 and then rarely make it into university. So, without that
5 education, they're sort of at loose ends and, a lot of
6 time, end up end up unemployed or on social assistance, and
7 that is not acceptable in a first world country. People
8 who are intelligent with skills, with gifts are living on
9 social assistance because of homophobia and transphobia
10 outside the community and inside the community.

11 So, that's why Dr. James Makokis and Dr.
12 Alex Wilson have put their names, their identity, their
13 careers as part of this model in Alberta, and we also have
14 one from Manitoba as well, where we're trying to make
15 schools, whether they're schools on reserve, in Métis
16 communities, in rural towns or in city centres, a safe
17 place for Indigenous LGBTQ people so, at the basic, that
18 they get a grade 12 education.

19 **MS. CHRISTA BIG CANOE:** Now, and -- thank
20 you, that's helpful. If I may ask that this be marked the
21 next exhibit, the Safe and Caring Schools for Two-Spirit
22 Youth?

23 **CHIEF COMMISSIONER MARION BULLER:** The Safe
24 and Caring Schools will be Exhibit 5, please.

25 --- Exhibit No. 5:

1 "Safe and Caring Schools for Two Spirit
2 Youth: A Guide for Teachers and
3 Student" by Maddalena Genovese, Davina
4 Rousell and The Two Spirit Circle of
5 Edmonton Society (2011) ISBN: 978-0-
6 9810494-0-3 (39 pages)
7 Witness: Albert McLeod, Two Spirited
8 People of Manitoba (2SPM)
9 Submitted by Christa Big Canoe,
10 Commission Counsel

11 **MS. CHRISTA BIG CANOE:** Thank you. Also in
12 your material, and I think there's a big connection here,
13 and it might be obvious for some, but I want the connection
14 to be made. When we talk about the failures of schools or
15 systems to make safe space for everyone, and you've talked
16 already a bunch about -- you know, so people -- so that the
17 youth and people don't commit suicide, there's a big link
18 between creating the safe space and suicide prevention, and
19 I know that in your material, you also have provided
20 suicide prevention and two-spirited people. Can you tell
21 us a little bit about -- this is from the National
22 Aboriginal Health Organization document. Can you tell us a
23 little bit about that?

24 **ALBERT MCLEOD:** A number of years ago, and I
25 do a lot of reading, especially around suicide prevention,

1 because of the link, and I think the National Chief recent
2 last year made a link between homophobia and suicide among
3 First Nations youth, that a number of a years ago when NAHO
4 was functioning, the Métis, Inuit and NAHO Health Centre
5 organizations had done a lot of research in working on
6 different resources for communities, published their First
7 Nations suicide prevention toolkit targeting all the First
8 Nations in Manitoba.

9 When I went through that document, I
10 realized there was no reference to LGBT First Nations
11 people, which really struck me, because it was the National
12 Aboriginal Health Organization, and it was a First Nations
13 sector. But, it reminded me how some people have blinders
14 on, and really work from a hetero-normative point of view,
15 just because we live in a colonial state where everything
16 is binary genderized; right? Male and female. And, that
17 even though we try to be gender neutral, that that bias is
18 so deeply embedded in our institutions and systems it's
19 hard to be objective.

20 So, I wrote a letter to the Executive
21 Director of the First Nations Health Centre at NAHO, and I
22 said, you know, I appreciate you created this suicide
23 prevention toolkit, but you didn't include LGBT people.
24 And so, he acknowledged that fact and agreed that they
25 would address it and then publish the document a year-and-

1 a-half later. So, that's a rare situation where an
2 institution or an Indigenous organization acknowledges the
3 exclusion of two-spirit people and does something about it.

4 And so, this was published on the internet,
5 and it is a public resource now, and sort of highlights
6 that any kind of mental health or suicide response that you
7 think about people who are struggling with their gender
8 identity or sexual orientation, who are experiencing
9 bullying or intimidation or violence because of their
10 gender identity or sexual orientation.

11 **MS. CHRISTA BIG CANOE:** I couldn't help but
12 note right on the -- before it actually goes into the
13 prevention and the issues it addresses that the opening
14 comment is, "First Nation communities can support two-
15 spirited people by providing safe spaces that include and
16 respect them by standing up for them and by speaking out
17 about the discrimination they experience", and I'd assume
18 that you probably adopt that or agree that that statement
19 is true, and that these are the types of things that we
20 need to do, is create safe spaces and stand up?

21 Yes? I'm seeing you nod your head, so
22 that's a yes?

23 **ALBERT MCLEOD:** Yes.

24 **MS. CHRISTA BIG CANOE:** I hate to belabour a
25 point too, because we know how when you talked about even

1 the terror that's experienced as part of colonialism and
2 what we're experiencing, on page 4 of the same report, and
3 there's a number of statistics, but on page 4 specifically,
4 it refers to a study in Manitoba and Northwestern Ontario
5 that included 73 transgendered and two-spirited people, 20
6 of whom identified as Aboriginal, but 28 percent of the
7 study participants reported having attempted suicide at
8 least once because of the way they were treated with
9 regards to their sex or gender identity.

10 And so, there's a number of statistics, and
11 we see that the suicide risk is higher amongst LGBTQQuIA
12 because of everything that you've been speaking about this
13 morning. Is there anything you wanted to add in relation
14 to the risks that you've seen in your experience and the
15 work you do?

16 **ALBERT MCLEOD:** Well, I think as part of
17 colonization, we sort of are concerned about systems
18 invading our lives, apprehending our children. So, there's
19 some tendency to be silent about things that are obvious to
20 us when a teenager or youth is under some kind of stress,
21 or are, you know, displaying symptoms of mental health,
22 anxiety, or even suicide ideation that we tend to ignore
23 them, because we don't want to make waves. You know, a lot
24 of times, you know, if you stand up for your LGBT child,
25 you're seen as, you know, a troublemaker, or that you're

1 really not following Christian beliefs, and a lot of
2 Indigenous communities follow the Christian faith so that
3 dogmas are very entrenched on how people see masculinity
4 and femininity.

5 So, there's always this pressure to conform
6 and to fit into those binary roles. So, the language of
7 comforting, the language of protection, the language of
8 loving is absent. So, generally, a lot of queer youth grew
9 up in an emotional vacuum where their only family members
10 are disempowered to help them, even though they suspect
11 that they might commit suicide.

12 And so, I think it's very symptomatic of how
13 the communities have been disrupted in that parents can not
14 only protect their own children emotionally and mentally
15 and spiritually, but also physically in that in many cases,
16 you know, even after the fact that the suicide is
17 completed, there's no discussion of that person's life,
18 because there's no context for that person as a community
19 member of value. So, essentially, that person is erased or
20 forgotten.

21 **MS. CHRISTA BIG CANOE:** And so -- thank you.
22 In this same guide, there is, on page 10, how you can help,
23 and it lists, like, sort of that broader concept of
24 standing up and speaking out, but I just wanted to check
25 with you. Would you agree that the "how you can help" that

1 is listed here are ways and solutions and recommendations
2 that the Commission should look at in terms of making their
3 recommendations moving forward? So, that was page 10 of
4 the Suicide Prevention and Two-Spirited People guide.

5 **ALBERT MCLEOD:** Yes, and especially because
6 this document is sanctioned and approved by First Nations
7 leaders that at sort of that level of governance, it has
8 been passed through their systems of approval. And so,
9 yes, I would.

10 **MS. CHRISTA BIG CANOE:** And, page 11 also
11 actually directs ways that service providers can help. So,
12 I'm going to assume the same, that you would also support
13 that the Commissioners should look to these in terms of
14 when they're developing their recommendations to any
15 service providers in relation to how anyone can help -- any
16 service provide can help in terms of suicide prevention and
17 other ways of inclusion?

18 **ALBERT MCLEOD:** Yes.

19 **MS. CHRISTA BIG CANOE:** Thank you. I would
20 kindly ask that this get made the next exhibit?

21 **CHIEF COMMISSIONER MARION BULLER:** Exhibit 6
22 is Suicide Prevention in Two-Spirited People, please.

23 --- Exhibit No 6:

24 "Suicide Prevention and Two-Spirited
25 People," First Nations Centre, National

1 Aboriginal Health Organization (2012),
2 ISBN: 978-1-926543-79-6 (20 pages)
3 Witness: Albert McLeod, Two Spirited
4 People of Manitoba (2SPM)
5 Submitted by Christa Big Canoe,
6 Commission Counsel

7 **MS. CHRISTA BIG CANOE:** Albert, in your
8 material, and this goes back to December 2014, in your
9 material, there was a letter from the organization you're
10 with, Two-Spirited People of Manitoba Inc., in relation to
11 a rally at the AFN special assembly. I was wondering if
12 you could tell us a little bit of information about that
13 and the letter itself?

14 **ALBERT MCLEOD:** So, having survived, you
15 know, the first wave of the epidemic among gay men in North
16 America, and specifically with regard to Vancouver in 1979
17 to 1983, it wasn't until 1983 that HIV was identified as a
18 virus, sexually-transmitted virus, as well as through
19 blood-to-blood contact through sharing of used syringes
20 that we began to work in HIV with the federal government,
21 provincial governments, because we were directly impacted
22 and we knew what it was. We knew what we were dealing
23 with.

24 So, HIV was sort of our method or mode in
25 terms of -- started to do our community development work

1 was heavily supported and one of the issues is about
2 involving leadership, political leadership in the HIV/AIDS
3 movement at the time.

4 So in 2000, a special leadership meeting was
5 held in Regina where Chiefs and others with First Nations
6 governance were invited to this Chief Summit in Regina.
7 And they were informed about HIV among Indigenous
8 populations. And after that, the AFN published a
9 resolution, HIV/AIDS strategy or action plan.

10 And one of the recommendations or actions
11 was to educate First Nations communities about the
12 historical and traditional role of two-spirit people to
13 prevent homophobia and trans phobia in that it would
14 encourage two spirit-people to get tested for HIV and be
15 able to access treatment or prevention tools and those
16 kinds of things.

17 So I went on this sort of letter-writing
18 campaign to the AFN and the first one was National Chief,
19 Shawn Atleo in 2011, and I reiterated that recommendation
20 from their action plan on how they were going to roll out
21 the education in First Nations communities about the
22 historical place and acceptance of two-spirit people, and
23 there was no answer.

24 Then a number of years later, there was
25 another AFN election in -- my dates are all kind of wonky -

1 - 2012, anyway, and there was eight people running this
2 time -- four men and four women -- for that seat.

3 And so I wrote a letter to each one of them,
4 and I didn't get an answer. I asked them how they were
5 going to champion, as National Chief, the rights of two-
6 spirit people as First Nation citizens, and there was no
7 answer.

8 So the third national election for National
9 Chief I went to was in 2014 in Winnipeg and at this time
10 there was three people running for that seat, and I wrote
11 them each a letter.

12 And by writing a letter, I don't mean that I
13 sent it by email, I said I mailed it. Just to guarantee
14 that at some point they might have received it in their
15 office in a physical form, because I believe there's
16 gatekeepers at different levels of institutions who throw
17 letters in the garbage and they never reach the person that
18 they're supposed to reach to read.

19 So what I did at the election, and the three
20 that were running were Perry Bellegarde, Leon Jourdain,
21 and Ghislain Picard. And I wanted to make a public issue
22 of it to see how they would react to those letters, and so
23 I organized a rally at the convention centre that morning.
24 And 52 people agreed that they would come and only one
25 showed up. But the media did; APTN did and another media.

1 So I distributed the press release, which is
2 this, that asks -- just let me see here. It says:

3 "The two-spirit people of Manitoba sent
4 letters to each of the eight candidates
5 asking them how they would, if elected,
6 enact AFN's Two-Spirit
7 Antidiscrimination Recommendation from
8 2001 and champion the rights of two-
9 spirit people." (As read)

10 And I ran into one on the stairs and he said
11 he hadn't seen the letter, received the letter. One of
12 them had sent a response and said that he would follow up
13 on that.

14 And, unfortunately, I never had a chance to
15 speak with Perry Bellegarde until 2015. We followed up a
16 letter with that meeting requested -- requesting three
17 things in 2015: That they follow up with the education of
18 First Nations communities and programming; that they create
19 the Two-Spirit Council at the AFN; and the third one is
20 that they support the annual International Two-Spirit
21 Gathering.

22 **MS. CHRISTA BIG CANOE:** Thank you.

23 May I request that this be entered as an
24 exhibit?

25 **CHIEF COMMISSIONER MARION BULLER:** May I

1 have the title again, please?

2 **MS. CHRISTA BIG CANOE:** Certainly. It's a
3 media release, "Two-Spirit Human Rights Rally at AFN
4 Special Assembly."

5 **CHIEF COMMISSIONER MARION BULLER:** Thank
6 you. That media release will be Exhibit 7, please.

7 --- EXHIBIT NO. 7:

8 Two-Spirited People of Manitoba media
9 release "Two-Spirit Human Rights Rally
10 at AFN Special Assembly," Winnipeg
11 Manitoba, December 8, 2014 (one page)
12 Witness: Albert McLeod, Two Spirited
13 People of Manitoba (2SPM)
14 Submitted by Christa Big Canoe,
15 Commission Counsel

16 **MS. CHRISTA BIG CANOE:** Thank you.

17 I only have a couple more questions for you,
18 Albert.

19 When you were talking earlier and you were
20 talking about the work that you've done over the years,
21 particularly around advocacy but, like, sort of
22 revitalizing cultural stuff, one of the questions I have
23 is; what has been the response of Indigenous two-spirited
24 LGBTQIA people when they're actually educated on their
25 Indigenous roles or traditional roles? Because a lot of

1 people would be coming to it for the first time or
2 accessing organizations like yours so that they can come
3 in.

4 **ALBERT MCLEOD:** Well, I think if you look at
5 it, all aspects of culture are about land-based survival.
6 So embedded in those practices and teachings, and some are
7 very complex and sophisticated but there's an intention
8 again to create that balance with nature, to survive
9 through the seasons.

10 And so for a two-spirit people, we come
11 to that circle with our understanding of those teachings
12 and our contribution. And so when we're present, it means
13 the whole circle is complete.

14 And so with Indigenous communities,
15 there's been different degrees of reactions, you know, from
16 extreme homophobia to rejection to threats of transwomen
17 coming to a Sun Dance, you know, wearing a skirt. Because
18 some traditionalists perceive the binary as the ideal and
19 don't understand or know that, you know, that some people's
20 identity can be, you know, a trans person, a trans male or
21 a trans female; just the subtleties in gender identity. So
22 if the person doesn't fit into that traditional community's
23 idea of culture and practice and where male and female sit
24 within those constructions, they can react negatively and
25 expel or remove that person.

1 But I think fundamentally of what I
2 shared earlier about the Indigenous cultural imperative is
3 that whether you're a traditionalist or a professional or a
4 doctor, you are obligated to not turn anyone away otherwise
5 you undermine your own ethics, your own humanity by doing
6 that. You're essentially rejecting reality, so...

7 **MS. CHRISTA BIG CANOE:** And on that note,
8 actually, I have no more questions. What will happen is
9 the parties with standing will have questions for you and
10 the Commissioner may have questions for you.

11 So I don't have a specific question but I
12 want to make sure if there's anything else that you would
13 like to add to the examination-in-chief part before we ask
14 for a short break.

15 **ALBERT MCLEOD:** Well, I think there's an
16 understanding that if you're gay, that you're somehow
17 infertile and that you can't have children, which is a
18 total myth. And, it is the, kind of, way that we get
19 socially segregated because of this myth, that if you're a
20 lesbian, that you're not going to have children or you'll
21 never be a grandmother.

22 And, I know today that that's not true, many
23 of my lesbian colleagues are great grandmothers or
24 grandmothers. So, when you say grandmother, you're also
25 talking about lesbian and trans grandmothers. And, same

1 with gay men, a lot of my colleagues who are gay men have
2 children. Many of them are grandfathers now or great
3 grandfathers. So, that idea of elder and grandmother and
4 grandfather is inclusive of two-spirit people and trans
5 people. We have trans women who are now physically female,
6 who are grandmothers, but were grandfathers at one point.

7 So, this idea that we're somehow different
8 in that way that we don't have children, we don't have
9 families, we don't parent is a myth and that has to be
10 addressed, that we're family just like any other family in
11 our communities.

12 **MS. CHRISTA BIG CANOE:** Thank you, Albert.
13 Chief Commissioner and Commissioners, I note that it's
14 almost 11:30, but I'm going to request a 10-minute break.
15 I'm also going to suggest that Fallon be allowed to testify
16 for an hour before we take lunch. So, my request is
17 actually asking for a 10-minute break and then starting
18 lunch at 12:30 instead of 12:00.

19 **COMMISSIONER MARION BULLER:** That's
20 agreeable. Thank you.

21 **MS. CHRISTA BIG CANOE:** Thank you. So, if
22 we could take a 10-minute break now. Thanks.

23 --- Upon recessing at 11:28

24 --- Upon resuming at 11:46 a.m.

25 **MS. CHRISTA BIG CANOE:** Chief Commissioner,

1 Commissioners, we could recommence. It's my pleasure to
2 introduce the next witness. Fallon Andy is our next
3 witness. And, before we actually hear testimony from
4 Fallon, I'm going to make a request that Fallon can affirm
5 on books, but I want to explain the context, so if I could
6 ask a question -- Fallon a question first?

7 Fallon, can you tell me about the books that
8 you would like to affirm on just briefly?

9 **FALLON ANDY:** Sure. So, the books that I
10 want to affirm on are by my friends. They're all two-
11 spirit, trans, queer people who live across Canada, and I
12 think that their work is really powerful, and I think that
13 everybody needs to read it. And, often times, when you're
14 a young, two-spirit and trans person, you don't have a lot
15 of people supporting you or lifting you up, so everywhere I
16 go, I always want to keep the people I love very close to
17 me either through books, or through talking about them, or
18 through just praying and holding onto their knowledge.

19 **MS. CHRISTA BIG CANOE:** And, if I could ask
20 just one more question, in holding the books, do you feel
21 compelled to speak truth because of those relationships
22 that you have with the authors?

23 **FALLON ANDY:** Yes.

24 **MS. CHRISTA BIG CANOE:** Okay. And, just,
25 maybe so the record can show, I'll -- I might need help

1 with that one.

2 **FALLON ANDY:** So, the first one is
3 Bawajigaywin (Visions) by Lindsay Nixon; the second one is
4 Femme in Public by Alok Vaid-Menon; the third is Not
5 Vanishing by Chrystos; the fourth is Passage by Gwen
6 Benaway; and, the fifth is This Wound is a World by Billy-
7 Ray Belcourt. He also just won the Griffin prize for
8 poetry.

9 **MS. CHRISTA BIG CANOE:** And, with that, I
10 ask Mr. Registrar to affirm Fallon in on these books.

11 **MR. BRYAN ZANDBERG:** It's still morning.
12 Good morning, Fallon. Do you solemnly affirm to tell the
13 truth, the whole truth, and nothing but the truth?

14 **FALLON ANDY:** I do.

15 **FALLON ANDY, Affirmed:**

16 **MR. BRYAN ZANDBERG:** Thank you.

17 **--- EXAMINATION IN-CHIEF BY MS. CHRISTA BIG CANOE:**

18 **MS. CHRISTA BIG CANOE:** Thank you. And so,
19 before I start as well, I'm going to ask if any of the
20 parties with standing have an objection or would like to
21 make a note of no position on qualifying Fallon as an
22 expert? Seeing no objections, I ask the Commissioners to
23 allow me to qualify Fallon in sort of short order.

24 So, Fallon, if we could start, would you
25 please share a little bit of background, your personal

1 background or professional background with us?

2 **FALLON ANDY:** Yes, I'd love to. So, good
3 afternoon, everybody. I'm really excited to be here with
4 you. It's an honour to be here and share space with you.
5 I really feel it very much in my heart and in my spirit
6 that I'm able to be here and present on this panel with
7 you. And, I feel very supported and grateful just to be
8 along the lines and sharing space with so many talented and
9 wise and loving and caring people, so thank you for having
10 me.

11 So, I'm an artist, and an activist, policy
12 analyst. I make a lot of memes. I graduated from OCAD
13 with a Master's of Arts degree in the Interdisciplinary
14 Master's in Art, Media and Design. I'm also a social
15 scientist, so I like to think a lot about the work of
16 colonialism, white supremacy, violence and state violence,
17 and how that gets enacted onto our communities and sort of
18 what that looks like and what fosters these different types
19 of violences.

20 I also spent two years working with the
21 Native Youth Sexual Health Network. In all my workplaces,
22 I try really hard to develop relationships with everybody
23 that I work with, and honour all the labour that they've
24 given to me and all the emotional support, so I will spend
25 some time talking a little bit about them later on.

1 But, at the Native Youth Sexual Health
2 Network, what we -- what I mostly worked on was gender
3 identity, and gender inclusivity, and queer sexual health,
4 harm reduction similar to Albert, and HIV/AIDS prevention,
5 and mental health, and suicide prevention or life
6 promotions, so I like to work across a lot of multiple
7 issues for health. And, one of my favourite ways to do
8 that is making memes. So, I think I've been making memes
9 for five or six years.

10 **MS. CHRISTA BIG CANOE:** And, this is going
11 to sound funny, but there's some of us generationally that
12 might not understand what a meme is, so I -- my children
13 have taught me that, but if you could maybe explain a
14 little bit about memes?

15 **FALLON ANDY:** Yes. So, my master's thesis
16 was based on memes about mental health and about, mostly,
17 symptoms, and managing and mitigating symptoms of mental
18 health afflictions, just kind of going across the spectrum
19 of what mental health afflictions there are. So, some of
20 my memes say like -- say stuff like, "Don't leave me," or
21 they say, "My PTSD hurts," or "A place for you to be calm."
22 And so, they're attached to a lot of different visuals that
23 I make as an artist with either my phone or with pictures
24 that I take, and then I add text over top of them.

25 And so, a meme generally is a tiny bit of

1 information that gets passed on to people either through
2 the internet or through social media. So, it's generally
3 those pictures with texts that you see in its current form
4 right now. But, if you go back farther into weird
5 research, there's -- memes just mean small bits of
6 information.

7 **MS. CHRISTA BIG CANOE:** Fallon, I'm going to
8 ask you to turn up your CV, and there's so much information
9 in terms of the work that you've done, and you've already
10 explained some of it. But, I was wondering if you wanted
11 to highlight anything particularly from your curriculum
12 vitae or the community work that you've done that's in your
13 CV.

14 **FALLON ANDY:** Definitely. So, I think what
15 I would like to highlight is my website. My website has a
16 lot of my memes and video work that I do. It also has my
17 master's thesis there, so you can look at my website
18 through all of that.

19 I think something that I would like to
20 highlight is my work with the Native Youth Sexual Health
21 Network, and also some of my art workshops that I've
22 completed. So, under the media, I'll just address this
23 facilitator section, this is where I learned a lot about
24 harm reduction, where I learned a lot about gender identity
25 and gender inclusivity and gender education, and best

1 practices for outreaching all that information to youth,
2 and to basically just work really hard to end stigma
3 against people who are two-spirit or trans. And, yes,
4 that's where I learned all of that from, my friends at
5 NYSHN, so Erin Konsmo, Jessica Danforth, Krysta Williams,
6 Alexa Lesperance, and Jen Castro, and Destry Latondra
7 (phonetic) were all very instrumental in teaching me how to
8 work across these issues and the best way to do it.

9 **MS. CHRISTA BIG CANOE:** That's excellent. I
10 also noticed when -- your position with Native Youth Sexual
11 Health Network's title, Media-Arts Justice Facilitator,
12 speaks to the fact that a lot of your work including your
13 art and curatorial work doesn't just look at the intersects
14 or perspectives of LGBTQQIA, but also from a justice
15 perspective for how our systems are treating Indigenous
16 youth, particularly two-spirit and trans. And, I just
17 wanted to highlight that there's a large number of not only
18 the curatorial or the artwork you've done, but literally
19 pages of where you've been on panels or spoken about issues
20 that we'll be speaking about today, and that you also have
21 done some production work.

22 And so, I kindly ask that I would like to
23 tender this particular CV as an exhibit and ask that it be
24 marked as one?

25 **CHIEF COMMISSIONER MARION BULLER:** Exhibit

1 8, please.

2 --- EXHIBIT No. 8:

3 CV of Fallon Andy (four pages)

4 Witness: Fallon Andy

5 Submitted by Christa Big Canoe,

6 Commission Counsel

7 **MS. CHRISTA BIG CANOE:** Thank you. And so,
8 one of the other things that you just mentioned is that
9 you're an educator and an activist. If you could just tell
10 us a little bit more about the education aspects or how you
11 use education into help people understand gender identity,
12 that would be helpful.

13 **FALLON ANDY:** Yes. So, while I worked at
14 the Native Youth Sexual Health Network, we've done a lot of
15 workshops and a lot of games that help people better
16 understand how to use pronouns first off. And then second
17 off, we use other examples such as like the gender -- the
18 Genderbread Person, which is like this visual example of
19 how gender and sex are different, and that what's important
20 to recognize is how people have their own bodily autonomy
21 within that and that they're just -- they're separate
22 issues, basically.

23 **MS. CHRISTA BIG CANOE:** Excellent. Sorry.

24 **FALLON ANDY:** Does that answer the...

25 **MS. CHRISTA BIG CANOE:** Yes, it does. Did

1 you want to touch on this a little? Yes. So, if you could
2 just share just a little bit more of your personal
3 background that you're comfortable sharing?

4 **FALLON ANDY:** Yes. So, I forgot to mention,
5 (speaking in Anishnaabe). So, I'm a gender non-conforming
6 artist from Couchiching First Nation in Grand Council
7 Treaty 3 in Ontario. My pronouns are, they/them and --
8 yes, I think that's it.

9 **MS. CHRISTA BIG CANOE:** Excellent. And,
10 we'll get more into the conversation on the pronouns, they
11 and them, so everyone has, sort of, a general
12 understanding.

13 At this point though, Chief Commissioner and
14 Commissioners, based on the knowledge, skills, practical
15 experience, education and training as described by Fallon,
16 I'm tendering Fallon as an expert in gender education,
17 education in state violence and in using memes to educate
18 others around mental health, body autonomy and gender.

19 **CHIEF COMMISSIONER MARION BULLER:**
20 Certainly. Based on the evidence tendered, we are
21 satisfied that Fallon Andy is qualified to give expert
22 opinion evidence in gender education, state violence and in
23 using memes to educate others around mental health, body
24 autonomy and gender.

25 **MS. CHRISTA BIG CANOE:** Thank you. And, as

1 we see from the CV, you also, just as an artist, do a lot
2 of work that informs your experience in your positions and
3 your opinions on what you're sharing today. I understand
4 -- did you want to start with the slide presentation?

5 **FALLON ANDY:** Sure.

6 **MS. CHRISTA BIG CANOE:** I understand that
7 you've actually prepared a presentation for today and I
8 think that, like Albert, that might be a good starting
9 point. So, if we could call up the presentation, please.

10 **FALLON ANDY:** Okay. So, this is my title
11 for this presentation, it's called, Zaagidiwin
12 Inakonigewin, and that means love law in Anshinaabe. So,
13 my thinking behind this is that there is -- like, there's a
14 lot of discriminatory practices in Canada and in Ontario,
15 and in our interpersonal relationships that really
16 contribute and prevent trans and two-spirit communities
17 from being able to participate and enjoy life to the
18 fullest. And, I think that that is very harmful and
19 discriminatory, so because of that, I think what I really
20 want to do is push for, like, laws that actually protect
21 and -- just protect generally two-spirit and trans
22 individuals, which is all my friends. So, I would like to
23 keep them safe.

24 So, next slide, please. Okay. So, you
25 cannot read that, that's fine. These are my

1 recommendations for this panel and for this Inquiry as a
2 whole. And, I'll just spend some time reading them off
3 because they're, kind of, my thesis for this Inquiry, and
4 for this presentation and for this, like, expert witness
5 statement. So, I want to read them to you just so that I
6 can, sort of, have some anchors across to talk to you
7 during this presentation.

8 Okay. So, number 1, the Inquiry should
9 court order all police and coroner's institutions across
10 Canada to include gender X mark indicators on the reporting
11 and information gathering for all cases related to the
12 Missing and Murdered. All government issued identification
13 should include more than three gender identity markers to
14 report accurate data.

15 And, 2) the Inquiry should mandate a
16 coroner's inquest into the deaths of trans, two-spirit and
17 gender diverse peoples that examine their gender expression
18 as an indicator of the level of violence perpetuated onto
19 their bodies.

20 3) the Inquiry must interview the families
21 of trans women, trans men, non-binary, gender non-
22 conforming and two-spirit individuals.

23 4) the Inquiry ought to re-open police files
24 and investigations related to Missing and Murdered
25 Indigenous women, girls and two-spirit people.

1 5) the Inquiry ought to investigate youth
2 deaths who were in the custody of child welfare service
3 agencies such as Tammy Kiesh (phonetic), a young person who
4 appeared to be two-spirit and who died suspicious deaths.

5 Number 6, the Inquiry ought to launch a
6 Canadian Human Rights Tribunal against the federal
7 government for failure to include transgender and gender
8 diverse individuals in the Inquiry as a direct result of
9 their discrimination.

10 Okay. So, thank you for listening to my
11 recommendations so far. Next slide, please. So, this is
12 Blu (phonetic) and myself, and some of my other friends who
13 were at the Strawberry Ceremony in Toronto in 2014. This
14 is, like, my first experience, like, really trying to be
15 involved in anti-violence movements and really feeling,
16 like, an empowered sense of community with, like -- that
17 was just, like, very inclusive actually, of, like, trans
18 and two-spirit people, and women. And, like, I think one
19 of the things with gender binaries and anti-violence
20 movements is that they're very women and -- like, cisgender
21 women centric, which is really quite a -- like, I think
22 women definitely deserve a space, but I also think that
23 there are some two-spirit people who die very violent
24 deaths who I think deserve, also, the time and space and --
25 like, financial investments for support.

1 And, I think with some of Albert's
2 recommendations too, for having national councils and
3 advisory circles on federal and provincial levels that
4 people would be able to understand and support those
5 statements a little bit easier, and I think it would be
6 important that we do so.

7 So, next slide, please. Okay.

8 **MS. CHRISTA BIG CANOE:** I think there's one
9 back.

10 **FALLON ANDY:** There is one back, is there
11 not?

12 **MS. CHRISTA BIG CANOE:** Maybe not.

13 **FALLON ANDY:** No? Okay. Alright. Well,
14 the other slide was also of my friend, Blu, holding a flag
15 that I designed and made. So, it was this two-spirit flag
16 that I designed and it was for the two-spirit pow wow at
17 York University. And, what I really liked about that was
18 that two-spirit and trans people need visibility every day,
19 and it can't just be something that you take on in an
20 acronym, but it needs to be a physical and material amount
21 of support that people provide to our communities.

22 So, making stuff like flags and making stuff
23 like -- like, reports does help, but so do the physical
24 material things, which can also look like just using
25 people's correct pronouns and making sure that you have

1 accurate representation everywhere at every table, that
2 just makes sure -- like, if you're having an anti-violence
3 movement, then you need to have two-spirit people there
4 because, like Albert said earlier, then your circle is
5 complete, and it's important to have everybody there and
6 everybody supported.

7 **UNIDENTIFIED SPEAKER:** (Indiscernible)

8 **FALLON ANDY:** Thank you so much. Next
9 slide, please. Okay. This is my friend, Erin Consumo
10 (phonetic), she's one of the matriarchs in my life. She's
11 been supporting me and being, like, my best friend and
12 ally, and one of my biggest caretakers for quite a long
13 time. Like, I think since, like, 2011, where when I first
14 initially met her, she was like, your heart is amazing, and
15 all my teachers at York University were, like, super
16 stigmatizing about some of the video work that I was making
17 and they were, had all these really racist accusations of
18 me being, like, they're, like: "What is this video? I'm
19 pretty sure it sounds like in this video you could be
20 intoxicated." I was just, like... "It's just art. Like, I'm
21 sorry you read it that way, but it's just art."

22 But Erin loved it, and invited me to start
23 hanging with the Native-Y Sexual Health Network and start
24 doing workshops around gender education and two-spirit
25 identity and harm reduction and the correct use of pronouns

1 and how important that is. And it really started helping
2 me gain a lot of skills around facilitation and public
3 speaking, I think. But also, just a lot of skills around
4 what it means to be, like, a good and caretaking and loving
5 and assertive community member.

6 And I think that that's really important
7 that we always centre love in our caretaking practices.
8 Like, it seems obvious, but there's, there are some actions
9 that people take that aren't always around love, and that
10 can be really hard to deal with, for everybody. And really
11 detractful (phon.) or really derailing for our movements.
12 So Erin teaches me a lot around that stuff, and I think
13 it's really important, and I wish everybody had really
14 great relationship like I do with Erin.

15 So next slide, please. These are my thesis
16 advisers. The middle is Bonny Devine, and the right is
17 Maria-Helen Ordanas (phon.), and the left is Andrea Fatona
18 (phon.). I was very lucky to have their support at Yorke-
19 ed. Like, for me, like, I make memes and I make videos,
20 and all of my artwork is pretty much based on a screen or a
21 computer. And Bonny's work is very material and
22 sculptural and, like, she needs to work with things that
23 are, like, in her hands all the time, where as I just work
24 on a computer. So we always have, like, this disconnect
25 that didn't really always connects people.

1 Like, sometimes we came at things from
2 different angles, but we ended up being able to align
3 ourselves in the end for what it means to be an artist and
4 how inter-generationally, like, people doing younger things
5 that are creative and they need the support and room to
6 work on those spaces.

7 Even though they're not traditional, and I
8 know that that seems, like, a minimum thing or, like, a
9 minimized sort of thing, but I think it can be that sort of
10 idea, it can be applied across the board to a lot of
11 people, who really like to use traditionalism to... Like,
12 discriminate against two-spirit people and discriminate
13 against young identities and young people's preferred
14 pronouns or gender identities and what they wanna wear
15 that, like, this kind of gender policing things that Albert
16 was talking about earlier.

17 So I think it is, I bring up Bonny because I
18 think she's a really great example of how we can work past
19 our differences, but it just requires cooperation and love
20 from both people.

21 So, next slide, please. And it's my other
22 friends. I love talking about my friends, I think, because
23 they just have my back in a lot of different ways that
24 people I meet on the regular do not, or people who are my
25 family do not. And I think that that definitely boils down

1 to a lot of stigma and a lot of, like, the historical
2 impacts that Albert was talking about.

3 But I think for me or my presentation sort
4 of differentiates itself from historical... impacts is just
5 uplifting the voices of youth and uplifting the other
6 voices of young two-spirit people and young two-spirit
7 artists and scholars and activists, and really bringing
8 them to the centre of the conversation.

9 Because I think that if your movement sort
10 of focus solely on one person, or like, one person gets
11 attributed to all this work, I think that that is very
12 counteractive to what we're trying to do for, like,
13 uplifting everybody and not leaving anybody behind and not,
14 and just making sure that everybody is safe and protected.
15 And I think you can do that just by bringing all your
16 friends with you everywhere you go, and so, that's what I
17 try to do with my books.

18 So this picture is from Ottawa in 2018. I
19 was with the Native Women's Association of Canada and we
20 were doing a policy engagement with a bunch of trans and
21 two-spirit youth. All my friends were there, like, Blu and
22 Melody and RG and Alea McGiver and Quinton and Stephanie
23 Jewell, so, like, I love them all. And I think that they
24 should always, it always just needs to be paramount that
25 you don't do this work in a vacuum, you do it with a

1 community and the community behind you. And it's important
2 to, like, bring them to these places with you, so that's
3 what I think, anyway.

4 So, this next slide is from the It Starts
5 With Us database, it's the community lists for two-spirit
6 and trans-people in Canada. And I'm just gonna read off
7 their names, Albert named some of them already, but I will
8 just say them again because I think we always need to
9 remember them and just remember that they're here with us.
10 And it's really sad that they're not here, cause I would
11 have loved to have met them.

12 Because one of the things with two-spirit
13 kids is that there's an intergenerational gap for meeting
14 elders and meeting older two-spirit elders. And because of
15 that, it's hard to be guided and present and grounded in
16 the work that you're doing, and also just in going forward
17 and knowing your path for young kids.

18 You know, like, all these two-spirit and
19 trans-people who have been missing or who are murdered, you
20 know, or missing those links to them, and that's really,
21 really not okay for young two-spirit and trans-kids.

22 So, missing is Colton Perrette, last seen
23 November 15th 2014. Murdered is Edward Denechase (phon.),
24 Davis Boulanger, Rose or Calvin Osborne, Shirley Two-Hearts
25 from Sagkeeng First Nations, Derik Bobard (phon.) from

1 Sagkeeng First Nation, and Gordon Badger, murdered in
2 Opaskwayak Cree Nation.

3 **COMMISSIONER CHRISTA BIG CANOE:** So, I note
4 that in your materials, Fallon, there was the community
5 list, and as you've indicated, it comes from It Starts With
6 Us, which is a community database that has a number of
7 links to, like Ontario, Alberta, Newfoundland and Labrador,
8 but this is the particular one that links to two-spirit and
9 trans. And I understand you put this in the material?

10 **MS. FALLON ANDY:** Hum, mmm.

11 **COMMISSIONER CHRISTA BIG CANOE:** And so, at
12 this point, I would ask that this be made the next exhibit.

13 **CHIEF COMMISSIONER MARION BULLER:** Sorry, the
14 presentation as a whole or...?

15 **COMMISSIONER CHRISTA BIG CANOE:** No, not the
16 presentation, I'm sorry. Within the material, there's a
17 document that's called "Community lists". If we could make
18 that an exhibit, please?

19 **CHIEF COMMISSIONER MARION BULLER:** Yes,
20 "Community lists" is exhibit 9, please.

21 --- EXHIBIT NO.9:

22 Community List for LGBTTQQIA people
23 (one page)
24 Witness: Fallon Andy
25 Submitted by Christa Big Canoe,

1 Commission Counsel

2 **COMISSIONER CHRISTA BIG CANOE:** And I just
3 want to point out to Fallon that any updates, like, on that
4 document that will become part of the public record, there
5 is a note that any additions or updates can be submitted to
6 warriorofthelight@gmail.com. Because this is a community
7 listing, it relies on community to report. And so, I just
8 want to pointed that out and see if you have any further
9 comments on that.

10 **FALLON ANDY:** Yeah, definitely. I think a
11 part of my recommendations have to do with getting accurate
12 data. And that means, like, reporting people who are
13 missing or murdered under the right gender identity and the
14 right gender markers, which aren't always in an "m" or "F"
15 gender marker.

16 So if anybody, maybe people don't know, but
17 Ontario has a gendered X marker which not a lot of people
18 know or utilize or want to be a part of, but I think that
19 going forward, like, people should be able to access that
20 gender identity marker just as something that is for two-
21 spirit and trans individuals, and then be able to track
22 that data based on that gender identity marker.

23 So, when you see things like the *First*
24 *Nations Sovereign Indigenous Nation's Report on Suicide and*
25 *Mental Health* that was released a few days ago, like, it

1 will actually say, like, gender X looks at the specific
2 violences that happen at these certain ages or at these
3 certain locations, or they experience violence at this
4 rate, as opposed to just saying that, like, men and women
5 experience violence at this rate because there are a lot of
6 trans-women who are improperly reported as men, and that is
7 not okay, and that needs to change immediately, because
8 then we really lose a lot of the data, and really don't get
9 to capture the full view of what violence looks like when,
10 like, our reporting mechanisms are all wrong.

11 **MS. CHRISTA BIG CANOE:** Just further to
12 that, like, in relation to the recommendation you're making
13 and what you've just described, the Commission has heard a
14 lot about disaggregated data collection, and that's mostly
15 around Indigenous cultural identification and about age or
16 ageism. Like, is it youth? Is it adults? Is it fair to
17 say that your recommendation is really speaking to
18 disaggregating the information that we receive or collect,
19 wherever it's being collected, to identify and recognize
20 the self-identifications around gender identification or
21 sexual orientation for those that want to make it?

22 **FALLON ANDY:** Yes. I definitely think that
23 there just needs to be an option for collecting and
24 reporting on that data to have more than, like, two genders
25 on whatever those markers are. So, when they report it's M

1 or F for male or female, which doesn't actually talk about
2 gender. It just talks about, like, people's genitals,
3 which is weird, because you don't need to do that. So,
4 including gender markers would be great, you know, non-
5 binary, gender-nonconforming, demi-gender, or just, like, T
6 would be good, too.

7 Like, really, anything just because I know
8 that, like, I think that if any of my friends -- like, if
9 anything happened to them, you know, which is a real thing
10 to have to think about every day is worrying about people's
11 health and their safety as they, like, leave bars like
12 normal people do, or as they leave their houses every day
13 like normal people do, like, are they going to be okay when
14 they go?

15 Like, I know that's a very shared and common
16 experience with everybody here, but I think the difference
17 is the rate of violence, which is sort of -- to come back
18 to the material which is why I brought up this report on
19 discriminatory laws and practices, and acts of violence
20 against individuals based on their sexual orientation and
21 gender identity, I wanted to bring that up because it just
22 highlights what types of violence happen to two-spirit and
23 trans folks because of their gender identity or sexual
24 orientation. It doesn't happen because, like, they're --
25 it doesn't happen for any other external reason, like,

1 where they could be or who they're with or, like, what they
2 were drinking or what they were wearing. It happens
3 because of their gender identity and sexual orientation,
4 and that's what that report really highlights.

5 **MS. CHRISTA BIG CANOE:** Sorry, which report
6 is that?

7 **FALLON ANDY:** It's -- sorry, I think F.

8 **MS. CHRISTA BIG CANOE:** Oh, thank you. This
9 one? No. I'm not looking at the same one as you. Okay,
10 sorry. I just wanted to make sure we were on the same
11 page, so thank you for your patience.

12 So, the international instrument you were
13 just talking about comes from the United Nations General
14 Assembly, the Human Rights Council, and particularly, it is
15 *Discriminatory Laws and Practices and Acts of Violence*
16 *Against Individuals Based on Their Sexual Orientation and*
17 *Gender Identity*. I know that you provided this in your
18 material, and we would like to request that it be made an
19 exhibit.

20 **CHIEF COMMISSIONER MARION BULLER:** Okay.
21 The document *Discriminatory Laws and Practices and Acts of*
22 *Violence Against Individuals Based on Their Sexual*
23 *Orientation and Gender Identity*, report of the United
24 Nations High Commissioner for Human Rights, is Exhibit 10,
25 please.

1 --- EXHIBIT No 10:

2 Report of the United Nations High
3 Commissioner for Human Rights
4 "Discriminatory laws and practices and
5 acts of violence against individuals
6 based on their sexual orientation and
7 gender identity," November 17, 2011,
8 A/HRC/19/41 (25 pages)
9 Witness: Fallon Andy
10 Submitted by Christa Big Canoe,
11 Commission Counsel

12 **MS. CHRISTA BIG CANOE:** Thank you.

13 **FALLON ANDY:** Thank you.

14 **MS. CHRISTA BIG CANOE:** And, I think -- did
15 you want to go to the next slide?

16 **FALLON ANDY:** Okay. Alright. Yes. So, I
17 really wanted to highlight that because I know that, like,
18 violence against women is really particular and not an okay
19 issue, and there's a lot of -- there are a lot of people
20 who before me in this Inquiry have spoken to that, and
21 you've heard them, and you've acted on what they've said.
22 So, I think the importance for me coming here today is just
23 to bring this information to me and pray that you act on
24 that with me and with my friends, and that we can all keep
25 going together. So, that's why I bring that up.

1 Okay, next slide. So, I didn't bring this
2 one as an article, but I just wanted to bring it as sort of
3 something to talk about in regards to discrimination, and
4 sort of the arguments that I'm making. So, all these laws
5 are definitely very discriminatory, and not including
6 gender identity is really not okay because of the rates at
7 which people experience violence.

8 So, it would be fair to also make the
9 argument that these discriminatory laws and practises and
10 exclusive things are contributing to issues of genocide, I
11 think, like, of trans communities and of two-spirit
12 communities. I know that's very heavy-handed, but I think
13 it's important to speak these truths, because I just want
14 all my friends to be safe.

15 And, I think most people would probably know
16 the *Convention on the Prevention and Punishment of*
17 *Genocide*, so I won't read the articles, but I would make
18 the argument that, you know, if people don't act now that
19 things are going to keep happening, and people are going to
20 either keep killing themselves, or they'll be murdered, or
21 disappear, which I do not want.

22 Next slide, please. And, next one after
23 that? Thank you.

24 So, the *Canadian Human Rights Act* does
25 actually -- the purpose of the Act actually does include

1 sexual orientation and gender identity. So, that sort of
2 lays the ground work for my Canadian Human Rights Tribunal
3 recommendation that the systemic exclusion of gender
4 identity and sexual orientation on many federal and
5 provincial reports actually is, like, a really big,
6 discriminatory practice. And, I think there's a lot of
7 ways that people could find how those are discriminatory,
8 and what sort of data gaps that leaves, and how it impacts
9 people on the ground.

10 **MS. CHRISTA BIG CANOE:** So, I note when you
11 were sharing the recommendations earlier, number six was
12 that the Inquiry ought to launch a complaint against the
13 federal government for failure to include transgendered and
14 gender-diverse individuals in the Inquiry. When you say
15 that, do you mean in the mandate, the words in the mandate
16 that gave effect or authority to the Commission didn't
17 actually include that, but that the Commission themselves
18 did?

19 **FALLON ANDY:** Yes, I definitely think the
20 mandate.

21 **MS. CHRISTA BIG CANOE:** So, that exclusion
22 of not including both two spirited and transgendered
23 specifically in the words of the mandate is what you're
24 arguing should be at issue?

25 **FALLON ANDY:** Yes.

1 **MS. CHRISTA BIG CANOE:** Okay. And that the
2 basis for that is what we just saw when you had up on the
3 *Canadian Human Rights* Act that the gender orientation -- or
4 sorry, gender identity and expression, or sexual
5 orientation are indeed Canadian Human Rights that should be
6 upheld and protected.

7 **FALLON ANDY:** M'hm.

8 **MS. CHRISTA BIG CANOE:** Wonderful.

9 **FALLON ANDY:** Thank you for helping me think
10 that through. Okay.

11 So next slide, it's another document from
12 the United Nations. This is just a resolution that they
13 have at the United Nations. It's just on human rights,
14 sexual orientation, gender identity. And basically -- let
15 me find this. What they would like is -- their main point
16 that I want to cite here is, they're expressing grave
17 concern at acts of violence and discrimination in all
18 regions of the world committed against individuals because
19 of their sexual orientation and gender identity. And then
20 they have a few resolutions that are just related to
21 finding -- finding the data gaps and mobilizing people and
22 nation states to include and protect gender identity and
23 sexual orientation in their laws. Although that -- yeah.

24 So that was why I wanted to include that.
25 Like, it goes back to also what Albert is saying about

1 having, like, national and provincial advisory circles that
2 are -- for two-spirit and trans folks, and offers all of
3 those as -- like, this resolution is just supporting the
4 report that I offered up. So -- and that report too is a
5 lot of recommendations for how to prevent gender-based
6 violence against trans communities, and also how to prevent
7 violence against people who are -- who have diverse sexual
8 orientations.

9 **MS. CHRISTA BIG CANOE:** And I note that you
10 did include that in your material, in Schedule D, as the
11 Human rights, sexual orientation and gender identity of the
12 Human Rights Council 27th session. I would ask that this be
13 made an exhibit, please.

14 **CHIEF COMMISSIONER MARION BULLER:** Yes. The
15 Human Rights Council Resolution 2732, Human rights, sexual
16 orientation, and gender identity, is Exhibit 11, please.

17 --- EXHIBIT No. 11:

18 United Nations Human Rights Council
19 Resolution 27/32 "Human Rights, sexual
20 orientation and gender identity,"
21 October 2, 2014, A/HRC/RES/27/32 (two
22 pages)

23 Witness: Fallon Andy

24 Submitted by Christa Big Canoe,

25 Commission Counsel

1 **FALLON ANDY:** Okay. So next slide, please.
2 Great. So this is a -- just a screen shot
3 of the report. You will be able to find it in your
4 packages, so go through it. Trigger warning, because the
5 acts of violence that they document in the report is really
6 sad to read and painful to read. So be wary of that. But
7 the recommendations are very good too. So I would
8 definitely recommend looking at those and thinking about
9 them, and how you can implement them on your advisory
10 circles, or how you can implement them at home, or in your
11 communities, or even advocate for them at your
12 organizations. So think about that please.

13 Next slide, please. Okay. So I've been
14 through like, most of the theoretical stuff that I wanted
15 to get through, which is good. And it's kind of how I work
16 generally, is a try to like, anchor points that I want
17 people to know, and then I just sort of apply an art lens
18 to it after.

19 So this is a meme. It's called "You don't
20 owe anyone your smile" and it's by Frizz Kid Art. You can
21 follow them on Instagram. And I wanted to bring this up to
22 sort of anchor my discussions in dismantling the
23 patriarchy. Because as we know patriarchy, paternalism,
24 sexism, and toxic masculinity are like, very big and
25 painful root causes of violence that get perpetuated onto

1 women, get perpetuated onto two-spirit and trans people,
2 and really starting to think about how we can undo those
3 things and move forward together. So you don't owe anyone
4 your smile is just a anchor point for people. Yeah, let me
5 see.

6 Okay. So I think while I sort of start
7 talking about patriarchy and gender inclusivity, it might
8 be just good to also lay down some terms. So patriarchy is
9 men being in leadership roles all the time. And by
10 patriarchy I generally only mean like, cisgender men. So -
11 - and then so cisgender is people who are born with one sex
12 and they've sort of stayed that sex their whole life as
13 people would identify it in hospitals right now. And so,
14 having that distinction is really important because
15 acknowledging cisgender people also acknowledges like, the
16 amount of like, privilege that they have to sort of walk
17 through the world.

18 So for example, trans and two-spirit kids,
19 or non-binary kids, or gender non-conforming kids, will
20 often have trouble, like, using the washroom, or being
21 called the wrong pronouns, or being referred to in gender
22 identities that don't match who they are as a person. And
23 because of that, like, a lot of kids face a lot of issues
24 of self-esteem, poor self-image, like, brain pain and
25 overall trauma from not being able to exist in a world

1 without people putting all these gender requirements on
2 them, which is basically just like gender roles and
3 presentation, and gender expression.

4 And so all those things are very, very
5 harmful to young two-spirit and trans kids, and because of
6 that, like, people and Elders, and Aunties, and Uncles, all
7 need to like, really practice using your pronouns, and
8 really practice how you use language on people. So like,
9 if you have like, a non-binary kid on your life who decides
10 that they're non-binary so they don't want to be identified
11 as a man or a woman, instead they exist outside of that,
12 like Albert was talking about all these other historical
13 traditional roles we have.

14 Now we have words of non-binary, or gender
15 non-conforming, or demi-gender, or like, agender, or -- it
16 keeps going I think. But the important part is that you
17 are able to use all those words. Because I think -- I just
18 think that the gender binary is really harmful, and it is -
19 - the gender binary is inherently connected to patriarchy,
20 paternalism, like, things like white supremacy in
21 colonialism, and connected to things like residential
22 schools, the Sixties Scoop.

23 It's connected to all of these things as a
24 way to sort of regulate people's bodies and really launched
25 a lot of harm on people and make people sort of conform to

1 -- what I want to say is conform to whiteness. But what a
2 lot of other people will say is conform to like, settler
3 ways of life, or conform to like the church, that kind of
4 stuff.

5 So we really need to be careful with the
6 language that we're using, especially like, I know for the
7 walking with our sisters movement they have like, a lot of
8 -- the walking with our sisters art memorial exhibition.
9 They always have two-spirit options for kids, and I think -
10 - or for like, just not even kids, just like your community
11 members who exist and as long as like, you protect them
12 they'll keep existing. So it -- it's just important to
13 always make sure that you have that space and that you
14 acknowledge who is around you, and that you take care of
15 them.

16 **MS. CHRISTA BIG CANOE:** May I ask a
17 question? And so just -- and to help a little more, when
18 you were talking about the pronouns, the they, them,
19 they're, and the need. I know when we had a conversation
20 you helped explain to me that this also grounds in respect,
21 a respect for acknowledging. And Albert earlier talked
22 about an Anishinaabe concept of being themselves. And so
23 by, like, really focusing on like restructuring even our
24 words in English to recognize and use pronouns, it's
25 actually an act of respect. And if you could just explain

1 a little bit about that, that would be helpful.

2 **FALLON ANDY:** Definitely.

3 So I think where I would like to come at
4 this from is a place of, like, preventing emotional abuse,
5 and other types of abuses.

6 When somebody continually tells you, like,
7 "My pronouns are they/them," or, "My pronoun is she/her" or
8 he/him or sie/zir, which is another pronoun that some kids
9 like to use now, and you don't listen to that or act on it,
10 it means that these kids or these people aren't going to
11 want to hang out with you anymore.

12 So, for example, if there was a kid and they
13 said, "My pronouns are they/them" or they said, "I'm trans.
14 I'm going to start using this name now," or, "I'm going to
15 start dressing this way now because this encapsulates who I
16 am as a person and how I view and express my gender
17 identity," then what they've done is they've shared parts
18 of their identity with you and they -- it means that they
19 trust you and want to build a lasting future relationship
20 with you. And they've trusted you with that information,
21 so they suspect that -- and pray, probably, that you will
22 respect them and love them and honour what they want to be
23 called, because the world is a tough place for young two-
24 spirit and trans kids and often times people are very, very
25 emotionally abusive to them, I think, by not using their

1 correct pronouns or the way they want to be called.

2 So it is an act of respect, it's an act of
3 love, and it's an act of care by being able to practice all
4 of those different things that people need as two-spirit
5 kids.

6 **MS. CHRISTA BIG CANOE:** And so if I could
7 ask one more question?

8 If in formulating the recommendations the
9 Commissioners make specific recommendations about LGBTQ2IA,
10 they should have an awareness of the proper use of pronouns
11 to specifically identify transgendered and non-conforming -
12 - gender non-conforming individuals. Is that fair?

13 **FALLON ANDY:** Yeah.

14 **MS. CHRISTA BIG CANOE:** You agree with me?

15 So this is probably an opportune time,
16 before we go into the full art and meme expression, to
17 actually call lunch. So I'm going to ask that we have the
18 lunchbreak. I have an awareness that we were a little
19 behind schedule so I'm going to ask to shorten the
20 lunchbreak a bit. But I will leave that to your discretion
21 to provide us guidance on that.

22 **CHIEF COMMISSIONER MARION BULLER:** Okay.
23 We'll reconvene at 1:15, please.

24 **MS. CHRISTA BIG CANOE:** Thank you.

25 **FALLON ANDY:** Thank you.

1 **MS. CHRISTA BIG CANOE:** And lunch is being
2 served for those that are here. There is lunch.

3 --- Upon recessing at 12:40 p.m.

4 --- Upon resuming at 1:26 p.m.

5 **MS. CHRISTA BIG CANOE:** Chief Commissioner
6 and Commissioners, if we can continue with Fallon's
7 evidence, that would be appreciated.

8 And just as a quick reminder where we left
9 off; we were just having the conversation about pronouns
10 and how important they are and Fallon was about to go into
11 their presentation on memes.

12 **FALLON ANDY:** So I hope everybody had a nice
13 lunch and that you ate good food, and that you also took
14 care of yourself, had a cigarette, that's good. I suppose
15 you were doing that.

16 (LAUGHTER)

17 **FALLON ANDY:** So on my PowerPoint I think it
18 would be good to start talking about the memes. So if we
19 could just go to the meme. It's Canada 150, the next one.

20 While they work on getting the Canada 150
21 meme up, I'll sort of break it down a little bit. So I
22 made this meme which you can't see right now but you will.
23 It says, "Canada 150 is White supremacy" and it's about
24 John A. MacDonald and sort of what he used to say, which is
25 really not okay. So there's this quote on the meme, it

1 says:

2 "When the school is on the Reserve the
3 child lives with its parents, who are
4 savages, and though he may learn to
5 read and write, his habits and
6 training, modes of thoughts are Indian.
7 He is simply a savage who can read and
8 write." (As read)

9 Just, like, how do you -- how can you say
10 stuff like that? So that's John A. MacDonald.

11 And I think it's really important to talk
12 about, you know, like, "Whiteness" or -- like, a pseudonym
13 for "Whiteness" is "Colonialism" but I think I prefer to
14 use the words, like, "Whiteness" or "White supremacy"
15 because I think that, like, Colonialism can be very limited
16 in how we think about, like, the regulations of social
17 norms.

18 And so when we started talking about, like,
19 social norms and regulations, and what controls that, like,
20 I think what people always want to do is, like, conform to
21 what this ideal "Whiteness" could be. Like, whether that's
22 skin, binary gender roles; like, the really specific gender
23 roles of like femininity or masculinity. And it always has
24 to do a lot with erasing culture and that kind of stuff.

25 So it's always better to -- I don't know,

1 actually. It's okay.

2 **MS. CHRISTA BIG CANOE:** I think just because
3 it's hard to see on the screen, you had ended at the
4 quotation at, "his habits and training mode, the thought
5 are Indian." I wonder if we could just read in the rest of
6 the quotation?

7 **FALLON ANDY:** Oh, sure. So:

8 "It has strongly been impressed upon
9 myself as head of the department that
10 Indian children should be withdrawn as
11 much as possible from their parental
12 influence, and the only way to do that
13 would be to put them in central
14 training industrial schools where they
15 may acquire the habits and modes and
16 thoughts of White men." (As read)

17 So the habits and thoughts of White mean
18 being like White supremacy, or Whiteness and trying to get
19 people to move closer to that. And so I'll be like we all
20 know throughout the Inquiry and through every process that
21 that happens in communities; is that we're always trying to
22 assert our jurisdictional and regional differences. And
23 recognize that, like, you know, prior to, like, the English
24 language sort of sweeping all of our land we had over 500
25 languages and now they're all kind of leaving, and that's

1 really sad.

2 And it's important to consider how English
3 language is also very White and racist.

4 So, yeah, I'm going to go more into my memes
5 now. And so next slide, please.

6 Okay. So I like to make memes. Memes are
7 my favourite thing. And if I'm ever sad, I will make a
8 meme about it, yeah, because I think that's a good strategy
9 to have.

10 So this meme says, "End violence against
11 transwomen." I made a series of violence memes on February
12 14th for the Strawberry Ceremony that happens in Toronto
13 every year. So this one is, like, comprised of palm trees
14 and different kinds of lines that I found on my phone.

15 Next slide, please.

16 This one says, "Protect Indigenous femmes."
17 So "femmes" being anybody who's feminine including two-
18 spirit femmes or transwoman femmes. I think that even if
19 they're not cisgender femmes, they deserve to be protected
20 and deserve to have their human rights always. Next slide,
21 please?

22 So, I made this one also, "Indigenous women
23 deserve freedom from violence." I think that that's a true
24 statement. Like, that's a part of the importance of memes
25 is that while we all exist here in this space, we also have

1 other channels of communicating with people through
2 Facebook, through Instagram, through printing posters,
3 through sharing pictures. And so, when you make a picture
4 and you keep it online, you're then able to sort of
5 communicate these messages in really succinct and impactful
6 ways. So, it just -- the point of memes is just get right
7 to the point, kind of, which is what I really try to do in
8 this series of memes that I made.

9 **MS. CHRISTA BIG CANOE:** May I ask a
10 question? Because, again -- an ageism thing here maybe.
11 When you're talking about the impactfulness, the meme can
12 be picked up by anyone through any social media type of
13 service, whether it's Instagram or -- I'm trying to think
14 of all of them, Snapchat, Facebook, and people can repost
15 them. And so, part of it is a type of community
16 mobilization as well; isn't it?

17 So, when you see one like the last one we
18 saw, someone else can pick up your meme and put it on to
19 their social media page so that you start to mobilize
20 community around that really concise message. And, there's
21 really a power to that when you get a whole bunch of people
22 picking up your meme because it's, in a way, influencing
23 others, because people will see that on your social media.

24 And, the reason I'm going through this whole
25 part, too, is, and I think my children are helping me

1 understand this more, is the impact that social media
2 actually has now, culturally, on developing thoughts and
3 ideas, particularly amongst young people, is super
4 important. So, we look at that picture, and we might
5 think, "Well, that's something we all know," but it's
6 actually part of the power of the whole process of being --
7 is the re-sharing and the community mobilization; isn't it?

8 **FALLON ANDY:** Yes, that's definitely part of
9 the impact and the broader reach that it has. Yes, and
10 it's just really good values. It's about values too, and
11 it's about sharing values with people in accessible ways.
12 So, instead of -- like for two-spirit and trans youth,
13 sometimes they may not have access to a lot of ceremony or
14 a lot of elders like I mentioned earlier, or a lot of
15 aunties who are safe who will respect and love their
16 identities. A way to give values to those youth is using
17 memes and using social media, and Instagram, and Twitter
18 and stuff to get people to just understand that they're not
19 alone in fighting these anti-violence movements or within
20 the fight of the anti-violence movements, and that they're
21 not alone when they believe something, because I know that
22 -- one thing that I haven't been able to talk about in
23 relation to gender identity and sexual orientation is that
24 there's a huge amount of gas lighting and emotional abuse
25 that goes on.

1 So, gas lighting just being like, "You don't
2 know what you're talking about." That's what somebody
3 would say when they're gas lighting somebody, or like,
4 "That's not what happened, you're imagining things," or
5 "That can't be your gender identity because you're very --
6 this is my perception of you," kind of thing. And so,
7 there's definitely a lot of gas lighting and emotional
8 abuse that happens to two-spirit and trans kids. And, when
9 they're able to see media that is -- they can see
10 themselves reflected in it, it's a hopeful way that people
11 can just keep going on through their days.

12 **MS. CHRISTA BIG CANOE:** And, just for
13 clarity, so it's not just community mobilization in order
14 of spreading a message, but part of it is actually building
15 in that acknowledgment or that respect so that they can
16 identify within that representation, like an affirmation, a
17 positive affirmation?

18 **FALLON ANDY:** Yes, there are definitely
19 affirmation memes too.

20 **MS. CHRISTA BIG CANOE:** Excellent. Thanks.

21 **FALLON ANDY:** So, next slides. I'm going to
22 show these ones kind of quickly. So, another thing about
23 two-spirit and trans youth is that they -- like, in
24 addition to their social constructs, they don't have access
25 to health or medical needs. And, having that access to

1 health and medical is really important for young two-spirit
2 or trans kids. Lots of them, maybe, will want to go on
3 hormones or have different kinds of surgeries, and that's
4 important for just validating people's identities for
5 helping them experience a sense of gender euphoria or just
6 helping them move closer to being themselves.

7 In my material, I offered an article by Gwen
8 Benaway. And so, she sort of talks about that process of
9 going through surgeries and what that means for her. And,
10 I think it's really important that people know that that
11 exists, because we see people in the media every single day
12 with these cisgender, sort of, bodies, and they -- and what
13 we don't see is any trans or gender non-conforming, non-
14 binary people in the media. So, making different types of
15 memes related to hormones or surgeries is really important.

16 **MS. CHRISTA BIG CANOE:** And so, Fallon, the
17 article you just referenced, "A Body Like a Home" by Gwen
18 Benaway, was put into your material. Keeping in mind the
19 time we have, I know we're not going to go into this
20 article in great detail, but I understand you're willing to
21 answer questions on it?

22 **FALLON ANDY:** Mm-hmm.

23 **MS. CHRISTA BIG CANOE:** And, on that basis,
24 because you've also covered a lot of the themes, I'm going
25 to ask or tender this document as an exhibit, please?

1 **CHIEF COMMISSIONER MARION BULLER:** The --
2 sorry.

3 **MS. CHRISTA BIG CANOE:** That's okay. It's
4 "A Body Like a Home".

5 **CHIEF COMMISSIONER MARION BULLER:** "A Body
6 Like a Home" by Gwen Benaway is Exhibit 12, please.

7 --- EXHIBIT No. 12:

8 Memoir "A Body Like a Home" by Gwen
9 Benaway, May 30, 2018 (24 pages)
10 Witness: Fallon Andy
11 Submitted by Christa Big Canoe,
12 Commission Counsel

13 **MS. CHRISTA BIG CANOE:** Thank you.

14 **FALLON ANDY:** Thank you. So, if you could
15 go to the next slide? This is another surgery meme. You
16 can just look at it. I think I already talked about some
17 of the main concepts. Next slide, please? That's another
18 surgery meme. And, next slide, please? Can you go to the
19 next slide? Okay. Well, the next slide is another meme
20 that I made. It's called, "Protect Indigenous trans
21 youth." So, there's a lot of different days that are
22 marked on the calendar for trans community and two-spirit
23 community celebrations. This one I made specifically for
24 Transgender Day of Remembrance.

25 And so, what I wanted to do was think about

1 the ways that there's not a lot of culturally-specific
2 media out there for two-spirit or trans kids, so I wanted
3 to make that, and bring it out, and have other people have
4 access to it just to validate their identity, all those
5 things related to making media for two-spirit and trans
6 youth. And, I think the text in the background just kind
7 of reiterates the idea that we need to protect trans kids.
8 And then larger text, really need to protect Indigenous
9 trans kids. So, definitely do that.

10 Next slide, please? Okay. And so, this is
11 another one. Some of these memes are more targeted to
12 service providers and people who work in organizations, or
13 who work in youth organizations, or who work in child
14 welfare places, child welfare programming, or I guess
15 service delivery, especially the first one and this one.
16 And, this one reads, "My pronouns are they/them, and I have
17 the right to access service providers who use my pronouns
18 accurately 100 percent of the time." And, it's just the
19 idea behind these is that you can hang these up on a
20 postcard, in your cubicle or you can print them off as a
21 larger poster and just remember that, like, using gender
22 neutral pronouns is really important to the work that
23 you're doing, because if you don't, you will cause a lot of
24 harm to young two-spirit kids who are probably your
25 relatives generally, and probably are your friends or your

1 friend's kids or your brother's kids.

2 So, it's just really important to remember
3 that, like, all these kids do exist and that -- like, us as
4 an older generation do need to support them and also need
5 to support the people who would be something like their
6 older auntie who is maybe not directly, like, related to
7 them, but is just a community member, or a chosen family or
8 a chosen community, being able to bring them close to each
9 other is important.

10 **MS. CHRISTA BIG CANOE:** Can I ask one
11 question? Because this brings up something. We've talked
12 about the whole concept of respect and -- but particularly
13 for service providers, this concept of, like, the proper
14 use 100 percent of the time. It's almost similar to --
15 like, in Canada, we have two official languages and there
16 is supposed to be an offer in language, that the service
17 can be provided in a language of choice. And, that's a
18 right, it's actually built into legislation in some place.
19 Would it be helpful if this was built into provincial or
20 territorial legislation, that the, sort of, rights of
21 individuals is acknowledged in terms of using pronouns or
22 allowing -- and this goes back to the conversation about
23 gender X in Ontario or other jurisdictions recognizing more
24 than just an "M" or an "F". That service providers should
25 actually have something within legislation that

1 acknowledges their need to provide services in a right
2 spaced approach, that acknowledges the pronouns that
3 individuals choose?

4 **FALLON ANDY:** Yes, definitely. It would be
5 really useful to have legislations or on the ground in
6 communities in First Nations. Just having like -- having
7 those be a part of, like, your community resolutions or
8 having it be a part of, like, your community vision, that
9 -- like, it's not just men and women, it's also trans and
10 two-spirit people. Those are easy amendments to make and
11 it just creates a whole other space for Indigenous trans
12 kids and two-spirit youth to just feel more safe in their
13 communities, because I think -- like, we do want to keep
14 people in our communities and we don't want them to leave
15 because they're, like, trans, or two-spirit, or gender
16 diverse, or have a different sexual orientation.

17 Like, I think we want to keep people around
18 and I really believe that, like, everybody in this room
19 wouldn't want somebody to, like, be so far away from their
20 home all the time and be so far away from, you know, the
21 people who raised them or they grew up with. And so, if
22 you want to keep them around, you need to make it a
23 priority to use the correct language and make sure that
24 they're protected under your rules and your laws.

25 **MS. CHRISTA BIG CANOE:** And, if I could, I

1 just have one more question because we're talking about
2 service providers. But, it goes back to, again, this point
3 of, you know, acknowledging the different preferences.
4 But, let's put -- like, an extreme example, when someone is
5 incarcerated. Say a non-gender conforming individual or a
6 trans person is incarcerated -- and we're seeing some
7 changes. But, for example, a trans woman might find
8 themselves segregated or put into a male facility simply
9 because of their birth certificate or there's this failure
10 to recognize the way they're identifying -- and that's an
11 extreme example.

12 But, is a good way to -- and if I'm
13 understanding you correctly, a good way to actually start
14 addressing this now is to have this information out there,
15 people practising and using the proper pronouns? Because
16 it seems like something simple, but really it could have a
17 cultural impact over time. And so, is there anything that
18 you can give advice on in terms of, like, in those extreme
19 situations, how do we address -- what should the
20 Commissioners be thinking about in terms of recommendations
21 on this issue?

22 **FALLON ANDY:** Yes. I think, like, a good
23 option is, you can have, like, a few gender markers on how
24 you report things, you can have the X option, you can also
25 just have, like, an open space option for people to write

1 what their preferred gender identity is. So, like, they
2 might write in non-binary, they might write in gender not
3 conforming, they might write in, like, demigender, or
4 demiguy -- there's, like, a whole bunch. The more you
5 know, the better. It's -- like, you really to know them
6 all to -- because people are just very different.

7 **MS. CHRISTA BIG CANOE:** And, in terms of one
8 step further, like this concept of everything having to fit
9 into a perfect little category and obviously doesn't, how
10 can we, society in general, affect those rights? Like, it
11 should be more than just the words.

12 For example, if someone is identifying
13 because it's a safety issue. So, for example, for that
14 trans woman to be put into a male facility, it's a safety
15 issue for that trans woman to be put into segregation, it's
16 a mental health issue. So, like, is it -- and I'm not
17 trying to put words in your mouth, please use your own
18 words. Like, what -- it goes beyond the words. What are
19 the actions that are necessary?

20 **FALLON ANDY:** Yes. I think that if there is
21 a trans woman who says she's a trans woman and she doesn't
22 belong in the male facility, then police and, like,
23 officials and -- like, the prison should change that in
24 their directives and regulations, and they should be able
25 to say, like, she's not in the right prison, so we're going

1 to move her over and we're not going to increase her risk
2 of, like, sexualized violence in male prisons or, like,
3 severe mental health afflictions while she's in another
4 prison -- in a, like, cis male prison, because that
5 wouldn't be okay.

6 And, people are at increased risks of those
7 different types of violences because of their gender
8 identity. It's like we, sort of, talked about earlier.

9 **MS. CHRISTA BIG CANOE:** Thank you.

10 **FALLON ANDY:** Mm-hmm. Yes. Okay. So, next
11 slide, please. Okay. So, I made most of these memes while
12 I was working for the Native Youth Sexual Health Network,
13 so you can probably find them on their Facebook page, and
14 you can share them. So, you can do that.

15 This one I made a few years ago. It's
16 called, supporting two-spirit, queer, gender not conforming
17 youth looks like addressing transphobia, cissexism,
18 homophobia and your assumptions of what we need. So, I
19 think we've been, kind of, breaking down what all of that,
20 sort of, means, but I think one thing that I would
21 definitely need to touch on is cissexism. So, that
22 basically means, like, any sort of, like, person who
23 identifies as, like, a woman or a man, if they're being
24 sexist to people who are two-spirit or trans.

25 And, that can be, like saying really awful

1 things, like you're not a woman, or you're not a man, or
2 you need to choose one gender, or saying -- making comments
3 on appearance such as things to do with make up or, like,
4 things to do with, like, clothing or, like, accessories.
5 That is, like, cissexism towards trans and two-spirit
6 people. The same way that it would be sexist for, like,
7 cis men to comment on other people's -- or women's
8 clothing, pretty much. Yes.

9 **MS. CHRISTA BIG CANOE:** Excellent. So, with
10 awareness of the time ---

11 **FALLON ANDY:** Yes.

12 **MS. CHRISTA BIG CANOE:** --- there's a couple
13 of more documents that were part of your package. One of
14 them was a letter to Cisters, and that's C-I-S-T-E-R, not
15 Sisters, S-I-S-T-E-R. And, it's a poem -- or it's a
16 letter, I apologize, by Stephanie Jewell (phonetic),
17 written in 2018, so quite recently. You're able to answer
18 questions about this and there are themes that you've
19 discussed today that are expressed in this letter.

20 **FALLON ANDY:** Mm-hmm.

21 **MS. CHRISTA BIG CANOE:** On that basis, may I
22 please have the letter to Cisters made an exhibit, please?

23 **CHIEF COMMISSIONER MARION BULLER:** Yes. A
24 letter to Cisters, C-I-S-T-E-R-S, by Stephanie Jewell is
25 Exhibit 13, please.

1 --- EXHIBIT No. 13:

2 "A Letter to Cisters" by Stephanie
3 Jewel, 2018 (eight pages)
4 Witness: Fallon Andy
5 Submitted by Christa Big Canoe,
6 Commission Counsel

7 **MS. CHRISTA BIG CANOE:** Thank you. And,
8 now, there's a document also in the package from -- by Dana
9 L. Wesley, and it's called, Reimagining Two-Spirit
10 Community: Critically Centering Narratives of Urban Two-
11 Spirit Youth.

12 And, you have actually covered a number of
13 the themes and concepts, I do acknowledge that the
14 methodology and the literature that Dana has written is
15 more academic than you've covered, but I just want to
16 check, if you're comfortable answering questions on the
17 article and if we -- if so, then I would ask that we make
18 this an exhibit as well, please.

19 **FALLON ANDY:** Yes, I'm comfortable with it.

20 **MS. CHRISTA BIG CANOE:** Thank you.

21 **CHIEF COMMISSIONER MARION BULLER:** Sorry, I
22 don't have the full title, but it starts with
23 "Reimagining".

24 **MS. CHRISTA BIG CANOE:** *Reimagining Two-*
25 *Spirit Community Critically Centering Narratives of Urban*

1 *Two-Spirit Youth.*

2 **CHIEF COMMISSIONER MARION BULLER:** Exhibit
3 14, please.

4 --- EXHIBIT No. 14:

5 Master's thesis "Reimagining Two-Spirit
6 Community: Critically Centering
7 Narratives of Urban Two-Spirit Youth"
8 by Dana L. Wesley, Department of Gender
9 Studies, Queen's University, April 2015
10 (124 pages)

11 Witness: Fallon Andy

12 Submitted by Christa Big Canoe,

13 Commission Counsel

14 **MS. CHRISTA BIG CANOE:** Thank you. I know
15 that you've started with recommendations because you wanted
16 it to be anchors to everything else you were discussing,
17 and throughout your testimony, you've touched on some other
18 good recommendations. I just want to offer you one more
19 chance, in case we've missed or overlooked anything, if you
20 had further recommendations or comments for the
21 Commissioners?

22 **FALLON ANDY:** I think that I have, like, a
23 lot of love for everybody, and I really believe in
24 everybody's work, and I really care about the work that
25 you're doing, and I'm just really honoured that you took

1 the time to listen to me today, and I really appreciate it.
2 I'm just very grateful for the opportunity.

3 **MS. CHRISTA BIG CANOE:** Thank you, Fallon.
4 Commissioners, at this point, I would ask if you have any
5 questions for either of the witnesses, or if you'd like to
6 defer them, I'll take your instruction on that.

7 **CHIEF COMMISSIONER MARION BULLER:** I'm going
8 to defer to the end of cross-examination, please.

9 **MS. CHRISTA BIG CANOE:** Thank you.

10 **COMMISSIONER BRIAN EYOLFSON:** I prefer to
11 defer as well. Thank you.

12 **COMMISSIONER QAJAQ ROBINSON:** I will do the
13 same. I will let other people ask questions and if there's
14 something not covered, I may have some more questions.
15 But, I wanted to thank you both very much. I've learned so
16 much. Thank you.

17 **MS. CHRISTA BIG CANOE:** I'm kindly
18 requesting a 10-minute adjournment. This will allow the
19 parties with standing to ensure and verify the order of
20 cross-examination. And, before we leave, it hasn't been
21 that long since we broke, so I'm just going to ask the
22 parties with standing to meet in the room that's designated
23 for parties with standing so we can do the verification
24 process of cross-examination, and then return. So, I
25 believe it should take about 10 minutes.

1 **CHIEF COMMISSIONER MARION BULLER:** 2:05

2 please.

3 **MS. CHRISTA BIG CANOE:** Thank you.

4 --- Upon recessing at 13:54

5 --- Upon resuming at 14:17

6 **MS. CHRISTA BIG CANOE:** Okay. Chief
7 Commissioner, Commissioners, if we could actually get
8 started with the cross-examination? I didn't say earlier,
9 and I should have put on the record there is a rule within
10 the legal path that during the examination-in-chief,
11 parties aren't allowed to speak to the witnesses in
12 relation to their testimony. But, during the cross-
13 examination, counsel leading is not allowed to talk to any
14 of the witnesses about what their testifying on. It
15 doesn't -- it's not a prohibition on talking or, you know,
16 "Hey, how are you doing?" It's more or less that. So, I
17 just want to note that pursuant Rule 38, we're kind of in
18 the inverse of that now where I can't have conversations
19 with either of the witnesses about the evidence they're
20 giving throughout cross.

21 We have actually 15 parties who will be
22 cross-examining, and they have various times based on
23 assignment or by other parties. And, the first party that
24 we will invite up is the Ontario Native Women's
25 Association. Counsel, please? Oh, I'm sorry, this is

1 actually Executive Director Cora. Come up, please. And...

2 **--- CROSS-EXAMINATION BY MRS. CORA-LEE MCGUIRE-CYRETTE:**

3 **MRS. CORA-LEE MCGUIRE-CYRETTE:** I'm starting
4 to feel like I'm turning into a counsel at the end of
5 these, so that's okay.

6 **MS. CHRISTA BIG CANOE:** So, all in all,
7 we'll have 12 minutes that will begin once Cora starts
8 speaking.

9 **MRS. CORA-LEE MCGUIRE-CYRETTE:** As my name
10 is going to take a little bit longer than 12 minutes, I'm
11 going to just continue forward. I want to start by
12 acknowledging and honouring missing and murdered Indigenous
13 women and girls. We continue to see that honouring and
14 recognition continues to be missed, and so we want to bring
15 that forward. And, we also honour and acknowledge the
16 families that have chosen to participate in the Inquiry and
17 those who have chosen not to.

18 I want to additionally acknowledge the
19 testimony of the drums this morning to address racism and
20 discrimination. The drum was its own form of teachings and
21 more than just songs. We witnessed Indigenous -- someone's
22 empowerment and reclaiming their voices, and that really
23 needs to be included here today and to be put on record.

24 Additionally, we want to ask the panel
25 questions, and feel free to answer or not answer. That's

1 your choice. We've heard you speak and talk about
2 colonization producing discrimination and prejudices about
3 non-normative sexualities and gender identities which
4 people may internalize. This means many 2SLGBTQ
5 individuals find themselves marginalized in a number of
6 ways in their own communities including being denied access
7 to cultural practices. How can these individuals work to
8 undo these internalized prejudices?

9 **ALBERT MCLEOD:** Well, I had an opportunity
10 to work with youth in Ka Ni Kanichihk a number of years
11 ago, so I've been a witness to a number of two-spirit youth
12 through cultural interventions and, sort of, a more
13 holistic approach to social programs, and Ka Ni Kanichihk
14 is founded on Indigenous leadership. And so, I
15 -- over time, I've sort of had the opportunity to see two-
16 spirit youth thrive within a context not, sort of, take on
17 self-blaming or shaming based on their identity -- gender
18 identity or sexual orientation and, you know, grow into
19 young adults, finish university, have a career without the
20 trauma, without the historic trauma, the binary gender
21 trauma, racism trauma or homophobia or transphobia.

22 So, for them, the intervention happened at
23 an opportune time for them. They were 14, 15 so that they
24 didn't pick up any of the negative attitudes about their
25 self-identity. So, they were able to move forward in their

1 life in a constructive and a good way. And, last year, I
2 ran into one of the youth, and he -- we were on the bus
3 together after the Pride March, and he saw me on the bus
4 and he says, "Hey mama." He says, "This is my boyfriend."
5 And, I knew that he wasn't alone. I knew he was loved. He
6 had found someone to love him, and that's a right that
7 everybody has in this society.

8 And, it was through the intervention of a
9 youth program that understood the place of two-spirit
10 people, and they're continuing today to work with trans
11 women in their women's program. And, I just was at a
12 graduation pow wow in Winnipeg where last year I brought in
13 the two-spirit pride flag at Red River College. And so,
14 the student was there again, and I said, "Didn't you
15 graduate last year?" She says, "I'm graduating again. I
16 took another course."

17 So, it is theory and practice; right?
18 Without any questioning, "Should we do this?" They're
19 doing it and they're having amazing results so that, you
20 know, we don't give our own issues to these youth, because
21 it's not their issue. It's our issue as a society, and
22 that they should be allowed to thrive and to flourish
23 because they have that innate gift, that innate view and
24 those innate strengths.

25 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Miigwetch.

1 **FALLON ANDY:** Could you repeat the question?

2 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Yes.

3 **FALLON ANDY:** Just the question part. Thank
4 you.

5 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Of the --
6 this means today many 2SLGBTQ individuals find themselves
7 marginalized in a number of ways in their own communities,
8 including being denied access to cultural practices. We're
9 looking at, you know, the culture police and the gender
10 police that was talked about earlier, and dress shaming and
11 pieces like that.

12 How can individuals work to undo these
13 internalized prejudices?

14 **FALLON ANDY:** Yes, I think a good place to
15 start is definitely undoing the internalized sort of racism
16 that communities have. And, by that, I mean that it is
17 internalized racism when Indigenous communities think that
18 they don't have more than two genders or, like, when we go
19 back to some point past pre-contact or something that there
20 was not -- that there was still only the M and F gender
21 when, in fact, like, Albert's presentation showed us that
22 there's been multiple genders going all the way back
23 centuries ago.

24 So, when we really -- like, by addressing
25 our own internalized racism, we should be able to

1 understand that multiple genders always existed and will
2 always continue to exist just beyond the binary, really.
3 And, I think in terms of community internalized, like,
4 transphobia and homophobia, it would be really useful to,
5 like, have things like Pride parades, making that sort of
6 systemic change in investing money into it, because it's
7 not just about adding the 2S on the acronym, it's about
8 investment and time in funding, in care, and love and
9 policy.

10 **MRS. CORA-LEE MCGUIRE-CYRETTE:** This
11 morning, you spoke about the intersection of colonialism
12 and homophobia. Can you expand how sexism comes into this
13 conversation with Indigenous lesbians?

14 **ALBERT MCLEOD:** I can't speak to that, but I
15 can relate to, you know, just with Pride, and there's been
16 some critique of the two-spirit men and trans women
17 involved in Pride as it's becoming more of a merged
18 Indigenous sort of non-Indigenous effort in North America,
19 and I'm also including the groups in the U.S., that there's
20 a critique that Indigenous lesbian women don't have spaces
21 within those contexts. But, I think what it is as well is
22 it's really the extent of misogyny in our society and the
23 vulnerability -- and this is only my opinion -- and the
24 potential violence that Indigenous lesbian face in our
25 society if they step forward and become activists or are

1 public. That's my interpretation of what's happening.

2 When we made the two-spirit poster, there
3 was supposed to be a lesbian woman in there, and when we
4 did the photoshoot, she didn't show, and I can understand
5 that, that there's multiple oppressions that she may
6 experience by being a public image in that, you know, her
7 Indigeneity, her social status as well as her sexual
8 orientation would be multiple oppressions that being a
9 public advocate might put her in situations of violence.

10 So, that's with regard to, you know,
11 Indigenous lesbians. That's kind of all I could say just
12 based on the limited experience I've had in some of the
13 community advocacy we've done.

14 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Miigwetch.

15 **FALLON ANDY:** I would just add that
16 Indigenous, like, lesbians do experience, also, high rates
17 of sexism and different types of violences, and that that
18 should always be kept central and included in people's
19 advocacy efforts.

20 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Miigwetch.
21 Earlier, you spoke to -- I'm speaking to Albert now. You
22 spoke about a book about colonization, and part of
23 colonization is once you've been colonialized is to look to
24 others for solutions. You know, I can't remember the exact
25 wording, but it was along those lines.

1 Looking at that, would you not agree that
2 solutions lie within each and every individual person or
3 ourselves, and also, solutions for the need for
4 reconciliation with Indigenous parenting to speak to
5 supporting children with their identities, with their
6 culture, with their gender, and re-integrating those
7 traditional teachings back into our communities?

8 So, would you agree that Indigenous
9 parenting teachings are needed?

10 **ALBERT MCLEOD:** Yes. I try to integrate
11 some of my knowledge around two-spirit identity with some
12 of the parenting initiatives, Indigenous parenting
13 initiatives across Canada, and this kind of fell on deaf
14 ears, that what is being relayed as part of, you know,
15 whether it's midwifery, rights of passage, Indigenous
16 parenting teachings, it's from a very binary gender
17 construct, and that people sort of avoid expanding beyond
18 that in terms of -- and I think Fallon talked about, you
19 know, protect trans children in that, you know, I've come
20 across situations where in Child Family Services, I've
21 heard from parents that they have trans children, and that
22 they struggle to keep them safe at school, especially
23 elementary school, and that, you know, if it's a trans
24 female child, you know, she can wear a dress at home but
25 not to school.

1 So, in terms of parenting, there really
2 needs to be a lot of work within the broader family
3 services, as well as within the traditional community
4 around, you know, not trying to genderize children based on
5 the colonial idea of the binary.

6 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Miigwetch.

7 **FALLON ANDY:** Can I also add that, like,
8 trans kids are born trans. So, they will definitely often
9 experience discrimination and, like, hate at very young and
10 early ages. So, their chances of surviving life generally
11 are greatly increased when they have parental and community
12 support.

13 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Miigwetch.

14 **MS. CHRISTA BIG CANOE:** Thank you.

15 **CHIEF COMMISSIONER MARION BULLER:** Excuse
16 me, could I have our questioner's name for the record?

17 **MRS. CORA-LEE MCGUIRE-CYRETTE:** Oh, Cora-Lee
18 McGuire-Cyrette. I wasn't going to take up the time, but
19 thank you.

20 **MS. CHRISTA BIG CANOE:** Next, I would like
21 to call counsel for Families for Justice, Ms. Susan Fraser.
22 Families for Justice will have 12 minutes as well.

23 **--- CROSS-EXAMINATION BY MS. SUSAN FRASER:**

24 **MS. SUSAN FRASER:** Good afternoon,
25 Commissioners. Thank you for permitting me to speak.

1 Thank you, witnesses, and thank you for the welcome to the
2 territory.

3 I represent Families for Justice, which is a
4 group of 20 families who sought standing at the Inquiry in
5 order to bring the perspectives of families forward, and
6 they have some questions -- we have some questions around
7 some of the issues that you raised today.

8 So, my first question is for both of the
9 witnesses, and it really relates to your experiences in
10 supporting people from the two spirit and trans community.
11 We have heard at various points in the Inquiry that trans
12 and two-spirited youth either leave their communities or
13 leave care and are at risk in the community, and that some
14 of the existing social infrastructure does not support
15 them, and particularly when they're in cities where their
16 identity, perhaps a non-conforming identity, intersects
17 with their Indigenous heritage and existence in the urban
18 settings. And, I'm just wondering if you can offer some
19 insight into what is needed to keep young people safe when
20 they leave their communities because of the prejudice and
21 discrimination that you've spoken about this morning? It's
22 a long question, I'm sorry, but I wanted to give you the
23 context of what we've heard in this inquiry.

24 **ALBERT MCLEOD:** Well, I think for myself,
25 you know, I've been around it a long time. So you know,

1 leaving home, or leaving a family and a community that
2 didn't have the language of nurturing a child generally, we
3 were just coming out of a, you know, a traditional
4 Indigenous way of life, or world view, into an assimilation
5 into western ways of life and I laughed in order to
6 survive.

7 And fortunately, in North America, likely
8 most Indigenous places around the world, there's these
9 value sets around that, when a stranger comes into your
10 family or territory you adopt them, formally or informally.
11 So when I went to B.C. and Vancouver I arrived there with
12 \$40 and I stayed for three years. And it was because of
13 the local community, the two-spirit community, and also the
14 west coast people welcomed me into their territory. This
15 was 1979.

16 So and that is a cultural practice, I
17 believe, in the sense that I was perceived as vulnerable,
18 being away from my people, and because they had the ability
19 to support me, to care for me, to teach me about their
20 culture and traditions, that I was informally adopted into
21 the region. Similarly, living in southern Manitoba among
22 the Ojibway People, the same experience of being adopted
23 through ceremony or traditions into the Ojibway culture.
24 Whether that's community events, sweat lodges, sun dance
25 ceremonies, that practice of adopting a stranger to

1 present, I guess, a human empathy. And that if you are a
2 strong family of strong community, it's your obligation to
3 do that.

4 And so I think -- so what we've done in the
5 two-spirit community across Canada, we've created, sort of,
6 chosen families where we have people from different age
7 groups, generations, who kind of act as surrogate parents,
8 grandparents, siblings. As I mentioned this morning, you
9 know, I carry many names, you know, grannie, grannie Albert
10 is one of them, Momma. So in that sense, I act as the
11 surrogate of the absent family member.

12 Just because of geographic isolation, or
13 it's difficult to go home, or if you are shunned from being
14 in your home community, or it's risky to go back to your
15 home community, that you know, the parents still love them
16 but can't, because of the segregation or the distance,
17 can't provide that safety. We as family members, surrogate
18 family members play that role, so we informally adopt our
19 peers into our subcultures in the rural, or in the urban
20 context. There's a lot of Mommas around.

21 **MS. SUSAN FRASER:** Fallon, do you have
22 anything -- can I call you Fallon?

23 **FALLON ANDY:** Sure.

24 **MS. SUSAN FRASER:** Do you have anything that
25 you want to add to that?

1 **FALLON ANDY:** Yeah, I would love to. I
2 think it really depends on the reasons that they're
3 leaving. If they're leaving because they have no home and
4 community support because of -- directly because of their
5 sexual orientation or gender identity, then it's important
6 to recognize what you could do to bring resources, and
7 funding, and probably even infrastructure back to the
8 community. To make people be able to stay there so that
9 they can just live their lives like everybody else and have
10 the supports to do it.

11 But if they're leaving for education, or if
12 they're leaving because they're in child welfare services,
13 then those also require some very distinct policy
14 recommendations which could be around child welfare
15 administrators, or services, or people who are family
16 members, or like kids who adopt -- families who adopt kids.
17 They would probably need to be like, two-spirit and queer
18 families who are a part of that child welfare system so
19 that they can like help raise them. But obviously the best
20 thing to do is keep kids with their families.

21 And then if it's for -- this relates back to
22 my other recommendation of looking at kids who have died
23 suspicious deaths while in custody and child welfare. Then
24 they would -- they definitely do need those good families.
25 And they also have to consider the educational reasons for

1 relocation, which could be looking at investing in social
2 infrastructure for like, safe LGBT houses, for like, kids
3 to stay at while they're away from their communities, like
4 in the north. That could be something.

5 **MS. SUSAN FRASER:** Okay.

6 **FALLON ANDY:** I think that would be good.

7 **MS. SUSAN FRASER:** And I wonder, Fallon,
8 just in terms of your experience and the friends that you
9 have, and just in terms of those friends being like a
10 chosen family, in terms of the support that they provide
11 you. Are you able to comment on the use of the voices of
12 people who are outspoken in their communities, who may be
13 experiencing poverty, and just what's a principled way to
14 engage people?

15 Because I know a lot of people in the two-
16 spirited and trans community are called upon to be
17 spokespeople from their communities, but might also be
18 living in poverty and are bringing a special knowledge, but
19 are, you know, kind of couch surfing or whatever, at the
20 same time they're being called upon to speak for their
21 communities. I'm wondering if you can comment on what's
22 needed to -- by service providers to elevate those voices,
23 and to support people that they are calling upon to provide
24 that knowledge.

25 I don't know if you get my question.

1 **FALLON ANDY:** I think so. I think what is
2 needed from service providers is to give people money.
3 Like, I think people just need money directly into their
4 pockets so that they can decide how they want to -- how
5 they want to use it. Whether that's for housing, for food,
6 taking care of children, taking care of their friends is
7 also important. So that would be one of my recommendations
8 is fund them directly.

9 **MS. SUSAN FRASER:** Okay. So if you're
10 calling upon somebody to give expertise, to speak on a
11 particular community -- if you're truly valuing that,
12 you'll pay that person as you would any other expert. Is
13 that fair?

14 **FALLON ANDY:** Yes. And you would pay them
15 like a large amount of money.

16 **MS. SUSAN FRASER:** Okay. And would you
17 endorse that, Albert?

18 **ALBERT MCLEOD:** Well, I think we have LGBT
19 centres across North America that are predominantly for
20 mainstream LGBT people. And there's a gap there where, you
21 know, it depends on your neighbourhood, where your resource
22 centre, depends on sort of the culture of the drop in, if
23 it's a middle-class LGBT centre and you live in a sort of,
24 you know, several neighbourhoods away.

25 As a queer Indigenous person, you're likely

1 not to go to that centre and so you don't get the benefit
2 of the resources there, whether it's housing, or education,
3 or just a safe drop in, counselling, those kind of things.
4 So there seems to be two different worlds evolving in North
5 America in the LGBT -- and I think it's the same for queer
6 people of colour, in that historically the LGBT movement
7 has been led by non-Indigenous, sort of, middle class,
8 white gays. And we are really not part of that world.

9 So a lot of times, you know, a province will
10 fund an LGBT program, say at 600,000 and as queer
11 Indigenous people we're supposed to tap into that, but
12 because of all these barriers there's very few participants
13 in the programming. So we kind of, you know, get left out
14 for that reason. So that's why with the big five I was
15 advocating that, you know, they should do education across
16 the regions. They should look at programming.

17 You know, there's all types of programming
18 for women, and men, and children, and our elders in our
19 community, but there's nothing for two-spirit people. I've
20 advocated to have, like, a two spirit drop in at a family
21 community centre, and they just said, you know, "Well, when
22 are you going to come and run it?" And I said, "Well,
23 we're part of your neighbourhood. Like, why aren't we a
24 program? You say family, Indigenous family, then why don't
25 you have a program for two-spirit people?" So it's kind of

1 put back to -- on our shoulders to do, even though they get
2 public funds from, you know, the city, the province, and
3 the feds to run programming for Indigenous People. When it
4 comes to two-spirited drop in, nothing happens.

5 So I think it's systemic across the board,
6 and I think with the Big Five, they really need to do a
7 scan and see how they can begin to develop programming, and
8 that -- with the broader LGBT groups, you know, there's 640
9 First Nations and multiple Métis communities and Inuit.
10 You don't have to look very far even if you're in an urban
11 environment for Indigenous people, especially for two-
12 spirit to come and participate in that programming. It's
13 just that people are very -- working in silos, they don't
14 know, you know, much about the Indigenous community so that
15 -- you know, and do outreach to where people live and don't
16 expect them to come to where your drop-in is situated.

17 **MS. SUSAN FRASER:** Okay. Thank you very
18 much. Those -- my time is up. I really appreciate your
19 knowledge. Thank you.

20 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
21 Fraser. Commission counsel would like to invite up Inuit
22 Tapiriit Kanatami, Ms. Elizabeth Zarpa, who will have 7.5
23 minutes.

24 **--- CROSS-EXAMINATION BY MS. ELIZABETH ZARPA:**

25 **MS. ELIZABETH ZARPA:** Hi. I want to say

1 thank you to the Anishinaabe, Haudenosaunee and the
2 Mississaugas New Credit for allowing me to be on their
3 territory today. I want to also thank the Commissioners,
4 the elders and the witnesses for being here and giving your
5 testimony.

6 So, earlier, Albert, you mentioned the idea
7 of the principle of non-interference and the process of
8 wanting to go to -- having to go to Brownies and -- or
9 wanting to go to Brownies. So, I just have a -- if a
10 parent or parents say, "I don't know much about non-binary
11 or LGBTQ2S," and they have a child who is -- they don't fit
12 the gender binary, what would you -- how would you -- that
13 parent or those parents go about educating themselves about
14 LGBTQ2S and non-interference, sort of, principles?

15 **ALBERT MCLEOD:** Well, I think part of it is,
16 you know, there's a belief that the child knows -- you
17 know, at some level, knows what they need, and that they
18 will guide the parent. And so, you know, if it is a little
19 girl who wants to do boy things, then it should be
20 nurtured, and then follow the, sort of, intuition or the
21 direction of the child.

22 What we have in the -- I think in Canada
23 there's parents -- it's called PFLAG, Parents for Lesbian
24 and Gay, or something like that, and there's an Indigenous
25 one in the US. And, that's the other thing I tried to

1 promote is that we begin to expand the PFLAG organization
2 so parents can come together, talk about what they're
3 dealing with and find solutions and information. So, I
4 think across Canada, it would be great to have Indigenous
5 PFLAG organizations that are specifically for parents
6 raising LGBTQ children.

7 **MS. ELIZABETH ZARPA:** And, would that be
8 sort of like a provincial legislated program or would that
9 be sort of a policy, organizational...

10 **ALBERT MCLEOD:** I don't think you can
11 legislate it because it's kind of voluntary, but I think
12 there should be funding for it if people -- if parents were
13 wanting to do that, that kind of support for each other.
14 And, there is a precedent with regard to the Indigenous
15 ones in the US and in Canada.

16 **MS. ELIZABETH ZARPA:** Great. Do you want to
17 add anything to that, Fallon?

18 **FALLON ANDY:** Sure. I know that funding is
19 always really hard, and people often get very cross when we
20 start thinking about funding, and I know that we are all
21 very severely underfunded, like everybody in the room is
22 very underfunded, it's just facts, but -- so to mitigate
23 that strategy, there's always free things everywhere. You
24 know, people do things out of the goodness of their heart,
25 and they hold -- they put countless efforts into pride

1 floats or pride days. And then they put countless efforts
2 to organizing youth groups that are for two-spirit youth,
3 and then just having the space for them every week is good,
4 just having that two or three hours is good. Being able to
5 outreach to other people to bring in some food every once
6 in a while or having a potluck. Organizing with other
7 parents is good.

8 There's a lot of things that people can do
9 on the ground by themselves without necessarily depending
10 on a lot of government funding, because the government is
11 very discriminatory against sexual orientation and gender
12 identity already, so there's all those things. And then
13 there's Facebook, too, that has a lot of parental support
14 groups for two-spirit and trans youth.

15 **MS. ELIZABETH ZARPA:** Great. Thank you.
16 So, this question is to you, Fallon, you mentioned, I
17 think, six recommendations earlier, and you indicated that
18 No. 2 was to -- in coroner's report, they should include or
19 examine the gender expression of the person. So, how would
20 the coroner's report go about looking at the gender
21 expression, is it through the birth certificate or -- how
22 do the coroner's office determine the gender expression?

23 **FALLON ANDY:** Yes, I think that requires a
24 few different moving parts, the first being there should be
25 federal gender markers that are acceptable on passports, on

1 government-issued ID, like health cards and driver's
2 licences. So, there needs to be the systemic sort of part
3 to that, and then there also needs to be room for people to
4 self-identify. So, it's comparable to in Indigenous
5 community where you want to self-identify as Indigenous,
6 Métis or Inuit, or you want to self-identify as a-nob-ay
7 (phonetic), or Anishinaabe, or Haudenosaunee, you need to
8 be able to have those options to do that. So, making the
9 policy space to do that would be really important.

10 **MS. ELIZABETH ZARPA:** And so, you mentioned
11 it would be in the passports or, say, in their birth
12 certificates, or they could just self-identify as who they
13 are. And, that data, how would -- why would that be
14 important in that process just to make sure you maintain
15 that data in a coherent manner to know who's experiencing
16 this type of violence or...?

17 **FALLON ANDY:** Yes, I think it's important to
18 know who is experiencing violence, because not everybody --
19 like we mentioned earlier in both myself and Albert's
20 panel, that not everybody is cisgender female or male.
21 People are two-spirit, they embody both perspectives or
22 both spectrums. And then other kids are -- and people,
23 aunties, uncles are also non-binary or gender non-
24 conforming. So, having that space to do that and self-
25 identify as such would be good.

1 **MS. ELIZABETH ZARPA:** Okay. And, my
2 question, thank you, goes to Albert. You mentioned earlier
3 that people experience higher levels of violence because of
4 their gender identity or their sexual orientation, is this
5 understood because there's data shared around that
6 statistic or is it sort of from personal, lived experience
7 within the community?

8 **ALBERT MCLEOD:** Well, I think, as I
9 mentioned earlier, it's a product of colonization,
10 especially for -- in terms of the patriarchy that
11 facilitates colonization around the world. And, it hasn't
12 stopped in the sense that, you know, colonization is about
13 taking resources and making people rich. It's not about,
14 you know, having a mayor, or a social worker, or a
15 religion. Religion is used to facilitate colonization, but
16 it's a violent process. You can dress it up after 300
17 years, but it's still violent. The resources are still
18 being taken.

19 And so, the patriarchy -- so, traditionally,
20 women would stand up to protect their children and
21 grandchildren. But, in Canada, the structure of the state
22 is in a sense that women are disempowered to stand up to
23 the extraction of resources from their territories, so
24 another form of violence is used to remove them. And, that
25 violence is based on the perception of gender identity, and

1 that women are inferior, they're weaker and that they don't
2 have the same privilege and rights as males.

3 In 2018, that belief is entrenched across
4 the board in all our systems, and that Indigenous women are
5 -- experience that violence because it was intentional. It
6 was intentional from when the first ship landed on the
7 shores of North America or South America. This is the
8 evidence today. This is the evidence. And so, you know,
9 if you're a young Indigenous woman and you don't have a
10 house, you don't have a home where you can be private, and
11 safe, and raise your children, you are going to experience
12 violence in Canada, a first world country, and that is
13 intentional; right?

14 If you're queer and you're Indigenous,
15 you're not going to get a house. You're going to be
16 homeless from when you're, you know 19, 17, likely for the
17 rest of your life. And so, Richard LaFortune is a
18 colleague of mine from the U.S. He said, the intersection
19 of gender and racism is a dangerous place to be; right?
20 So, you know, some of the solutions that we're talking
21 about is part of this process but, you know, the violence
22 is there. It's obvious.

23 **MS. ELIZABETH ZARPA:** Thank you. I just
24 wanted to know if there was a report or -- just from your
25 experience. So, thank you for sharing both of that.

1 **MS. CHRISTA BIG CANOE:** Thank you.
2 Commission Counsel would like to invite Walking With Women,
3 Darlene Sicotte -- oh, I'm sorry. I've made an error.
4 Actually, next is Assembly of Manitoba Chiefs. My
5 apologies. And, Joëlle Pastora Sala.

6 **MS. JOËLLE PASTORA SALA:** Thank you.

7 **MS. CHRISTA BIG CANOE:** Thank you. The
8 Assembly of Manitoba Chiefs has 7.5 minutes.

9 **--- CROSS-EXAMINATION BY MS. JOËLLE PASTORA SALA:**

10 **MS. JOËLLE PASTORA SALA:** Thanks. Good
11 afternoon, Commissioners, family members, survivors, elders
12 and panel members. My name is Joëlle Pastora Sala, I
13 represent the Assembly of Manitoba Chiefs.

14 I'd like to begin by recognizing the
15 traditional territories of the Mississaugas of New Credit
16 First Nation, and the Haudenosaunee and the Huron-Wendat.
17 I acknowledge the big drum that was here and the sacred
18 items as well, that are in the room.

19 Thank you both for your presentation today.
20 I'll begin by asking you some questions, Albert. You spoke
21 briefly today, and it was also included in some of the
22 exhibits that you provided, some of the Anishinaabemowin
23 and Cree words describing various sexual and gender
24 identities, agreed?

25 **ALBERT MCLEOD:** Mm-hmm.

1 **MS. JOËLLE PASTORA SALA:** Specifically, in
2 the Pronouns document, it states that there are no specific
3 pronouns for gender in Cree or in Anishinaabemowin?

4 **ALBERT MCLEOD:** Well, there's approximates
5 or adjectives.

6 **MS. JOËLLE PASTORA SALA:** Could you expand
7 on your understanding of the role of the English language
8 in perpetuating violence against Indigenous LGBTQ2S?

9 **ALBERT MCLEOD:** Well, I think if we look at
10 the, sort of -- Christian religion was, sort of, the
11 primary religion and even today, it's -- you know, there's
12 data that shows that two-thirds of Canadians follow the
13 Christian faith. And so, imbedded in that construct,
14 through, you know, the teachings of Adam and Eve, and the
15 ideals, that -- you know, Jesus was male, God was male.
16 So, what evolved was a construction of the supreme being
17 from the North American point of view was a male.

18 And, you'll see the language even today,
19 when elders talk about Gitche Manitou or "God", they say
20 "he"; right? No where in our history has it been reported
21 that the supreme spirit or the spirits are genderized, or
22 that the supreme one is a "he"; right? It's an echo of
23 Christianity on how -- I said, you know, there's a church
24 in every community and those priests ruled those
25 communities for decades. And so, the language that we're

1 familiar with is one that was imposed and replaced a lot of
2 the Indigenous languages, as well as the world views or the
3 norms.

4 So, today, we use -- you know, the last
5 number of decades, "he" and "she" are, sort of, the
6 generalized pronouns for describing who is in our
7 community. It's either a male or female. Our prisons and
8 our public washrooms are constructed the same way, you
9 know, it's based on your biological presentation. And if
10 you go to a federal institution for a crime, it's either a
11 male or a female prison. So, the use of pronouns
12 historically has been a way of entrenching these ideas
13 about the ideal female and the ideal male, and the
14 expectation that you conform to those.

15 So, you know, when I was a child, I was a
16 "he", but now that I'm older, most of the adjectives apply
17 to me are "she"; right? And, again, that's to be
18 respectful to me, even though I can present as a "he", that
19 in order for them to respect my identity, my spirit, my
20 contribution to society, it's to refer to me as the
21 feminine.

22 **MS. JOËLLE PASTORA SALA:** Because my timing
23 is limited, I'm wondering if you could just answer "yes" or
24 "no", if Indigenous language revitalization initiatives
25 play a role in keeping Indigenous LGBTQ2S safe?

1 **ALBERT MCLEOD:** Definitely. Yes.

2 **MS. JOËLLE PASTORA SALA:** One of the
3 impacts you described of colonization was that imposition
4 of sex and gender roles; correct?

5 **ALBERT MCLEOD:** Yes.

6 **MS. JOËLLE PASTORA SALA:** And, you
7 described that as a result of the imposition of these
8 roles, LGBTQ2S First Nations may experience homophobia and
9 transphobia?

10 **ALBERT MCLEOD:** Yes.

11 **MS. JOËLLE PASTORA SALA:** And, in certain
12 cases, this experience may lead to LGBTQ2S First Nations to
13 leave their communities?

14 **ALBERT MCLEOD:** Well, I'm generalizing on
15 that. I'm primarily advocating on behalf of people who
16 need support or need assistance. I cannot say that, you
17 know, in North America or South America, all LGBT
18 Indigenous people experience poverty, or isolation or
19 rejection. In that I know that there are two-spirit people
20 who live in the reserves or communities, they're loved,
21 they have jobs, they're, you know, either a chief or a
22 counsellor, so they fully participate in their society. My
23 advocacy is for those who don't experience that particular
24 protection or engagement with their communities or
25 families.

1 **MS. JOËLLE PASTORA SALA:** Can you expand a
2 little on how the experience of LGBTQ2S First Nations, who
3 do leave their communities, may contribute or increase
4 their risk of going missing or be murdered?

5 **ALBERT MCLEOD:** Well, I think it's -- you
6 know, if you don't have, like I said, a diploma for grade
7 12, you're in a competition with people who have one or two
8 degrees for the same job. And, a lot of times, you know,
9 you end up on social assistance, and sometimes you might
10 use alcohol or drugs to cope or be involved in the sex
11 trade. And, inherent in all of those are violence against
12 women or violence against trans people.

13 **MS. JOËLLE PASTORA SALA:** Can you provide
14 any recommendations that you would have for First Nation
15 leadership, particularly in Manitoba, for keeping LGBTQ2S
16 First Nations safe within First Nation communities?

17 **ALBERT MCLEOD:** Well, I think we have to
18 have the conversation, because a lot of the communities
19 follow the Christian faith, and in most cases, they're
20 intolerant to the acceptance of LGBT people. And so, that
21 AMC has to lead that conversation and then -- you know,
22 like I recommended to the AFN, create a two-spirit council
23 to guide them as they evolve into a more representative
24 council assembly, and then to begin to fund education or
25 programs for vulnerable two-spirit youth.

1 **MS. JOËLLE PASTORA SALA:** I'm going to try
2 to get in one question for you, Fallon. Can you explain in
3 your presentation today why you focus so much on speaking
4 about relationships?

5 **FALLON ANDY:** Yes. I think that
6 relationships are really important and I think -- like, I
7 think it's a different "R" word that people like. So,
8 there's like, reconciliation, and then there's
9 relationships, nation to nation relationship. There's,
10 like, all these ongoing government, like, programs and
11 initiatives. But, I think just keeping it back down to
12 relationship with, like, a lower case "R" would make it
13 more important because then people realize that they're
14 just doing it because it's out of the importance -- or out
15 of, like, the goodness of their heart, and also that --
16 like, just for general love and care for people as opposed
17 to tokenizing two-spirit or trans kids because they're a
18 part of some imaginary, like, reconciliation efforts for
19 two-spirit youth, you know? So, keeping it interpersonal
20 is always good.

21 **MS. JOËLLE PASTORA SALA:** Thank you both
22 for your time. Thank you.

23 **MS. CHRISTA BIG CANOE:** Thank you. Next, we
24 would like to invite up Walking with Women, Darlene
25 Sicotte. Walking with Women has 7.5 minutes.

1 --- CROSS-EXAMINATION BY MS. DARLENE SICOTTE:

2 **MS. DARLENE SICOTTE:** Okay. Thank you to
3 the elders, drum keepers, the NFAC, Commissioners. Thanks
4 for the greetings and gift of song from this territory.
5 Miigwetch to Fallon and Albert for your knowledge and your
6 courage and your love for your community. I am -- I hail
7 Cree from Beardy's and Okemasis First Nation near Duck
8 Lake, Saskatchewan. I am the co-chair of Iskwewuk E-
9 wichiwitochik, Women Walking Together. We are an ad hoc
10 group, a 12-year-old concerned citizen group in Saskatoon,
11 Saskatchewan, to raise awareness, supports and remembrance
12 of the families of the murdered and missing.

13 To both Albert and Fallon, do you think
14 legislation would assist your inclusion to remedies of
15 crime of your community? If so, Bill C-215 is an act to
16 amend the *Criminal Code*. This is for the sentencing for
17 violent offences against Aboriginal women introduced by
18 Senator Lillian E. Dyck. This means the court would be
19 required to take Aboriginal female identity into account
20 during sentence.

21 This means that making the measure mandatory
22 eliminates bias against the victim, ensuring her case will
23 not be treated as less serious in nature, compared to other
24 females. Do you think by amending Bill C-215, by adding
25 2SLGBTQ would send an even stronger signal that Canadian

1 society as a whole values all women and girls and 2SLGBTQ,
2 whether or not they are Aboriginal? That's my question.

3 **FALLON ANDY:** I definitely think that is a
4 great first step, and then keeping the momentum going by
5 creating larger legislations that are for anti-
6 discriminatory efforts across, like, all sectors and across
7 all ministries and governments.

8 **MS. DARLENE SICOTTE:** Albert?

9 **ALBERT MCLEOD:** Yes, for me, I think part of
10 it is because of the broad spectrum under the umbrella of
11 two spirit or LGBT, you know, the definition of a woman in
12 a Canadian context, or a federal context, in the legal
13 context, is very colonial, and it's really hard to
14 deconstruct that in the sense that, you know, we have two-
15 spirit men who are very masculine, present as masculine,
16 and wouldn't fit into an Indigenous or Canadian
17 understanding of being female.

18 So, I think we would have to be more
19 specific in that amendment to look at, you know, lesbian
20 women, trans women or trans men, and I include trans men
21 because for the most part, they begin their life as
22 biological females.

23 You know, the other sector would be sort of
24 the male identified population that are LGBT, and you know,
25 it's without any consultations with the community

1 themselves. It would be hard to make a recommendation
2 that's firm, but it's certainly something to explore.

3 **MS. DARLENE SICOTTE:** Okay, thank you. Do
4 you, either Fallon or Albert, do you feel that the 2SLGBTQ
5 are often in the margins of some of the social movements
6 like Sisters in Spirit? If so, what would you recommend as
7 an initial step to be included in these awareness events?

8 **ALBERT MCLEOD:** Well, I think, you know, it
9 is a steep learning curve because as I understand it,
10 historically, there were times when biological women would
11 gather for certain reasons, as I understand, and if a
12 woman's husband was deceased, if she became a widow, or she
13 divorced her partner, she could retire to an all-female
14 enclave, and from that point, she would decide whether or
15 not she wanted to have any engagement with males in her
16 community.

17 So, the sort of female oriented or centered
18 groups or organizations across Canada are around, you know,
19 I think, primarily biological females to begin with, and
20 there is some opening, you know, towards involving trans
21 women. So, just in terms of why, you know, the direction
22 or the impetus as to being inclusive is, you know, not all
23 two-spirit people are biological females. So, how you
24 expand that identity of what constitutes an Indigenous
25 woman in 2018 is something, you know, I think, is dependent

1 on each group.

2 Right now, in Manitoba, I'm an elder, a
3 grandmother on the Manitoba Moon Voices Elders' Council,
4 and I sit there as sort of a cis-male, but with a
5 grandmother cultural identity and role. So, there are
6 examples of inclusion and people expanding their
7 understanding of what constitutes a female identity. I
8 hope that was helpful.

9 **MS. DARLENE SICOTTE:** Yes, it is.

10 **ALBERT MCLEOD:** So, there are precedents
11 across North America where my friend, Trudy Jackson, she's
12 Navajo in the U.S., she's running for, I think, the
13 President of the Navajo Tribal Council, and she's a trans
14 woman. So, you can see progress in a lot of areas now.

15 **FALLON ANDY:** Yes, I think it's good to
16 start those steps because I would say that most women's
17 movements do very harmfully exclude two-spirit and trans
18 people. So, it is definitely a good first step to bring
19 them there and have them have a seat, pay them. Those
20 things are important.

21 But, another additional layer that is very
22 important also is really considering having consistent
23 terms like how you put your language up around how you want
24 to invite people to these places will either keep them
25 there or will not, like I mentioned a lot in my

1 presentation.

2 So, if you have a trans woman who is coming
3 to your event or your organization, then you need to use
4 the correct terms. You can't say I don't think you should
5 -- I may be disagreeing but I don't think you should say
6 biological male or biological woman to refer to, like,
7 trans women or trans men because, like I mentioned earlier,
8 trans women are born women, trans men are born men. What
9 happens after they're born is that people begin to
10 socialize them and harshly fit them and squeeze them into
11 gender binaries which ultimately do not work for them or
12 they're bodily autonomy.

13 So, when we start thinking about
14 empowerment, we really want to empower people to use the
15 correct language and the correct words, and not always
16 bring up people's genitals, which is important, because I
17 don't know why people want to do that.

18 **MS. DARLENE SICOTTE:** Thank you very much.
19 That's the end of my questions.

20 **MS. CHRISTA BIG CANOE:** Thank you (speaks in
21 Anishnaabe language). I hope I said that right. Next,
22 we'd like to invite up Association of Native Child and
23 Family Service Agencies of Ontario. Josephine de Whytell
24 has 7.5 minutes.

25 Thank you.

1 --- CROSS-EXAMINATION BY MS. JOSEPHINE DE WHYTELL:

2 **MS. JOSEPHINE DE WHYTELL:** Panel, thank you
3 very much, and hi, Commissioners.

4 I'd like to, of course, begin by
5 acknowledging the territory of the Mississaugas of New
6 Credit and the Haudenosaunee and Wendat, and thank the
7 territory that we're on and acknowledge the drum for
8 commencing these proceedings.

9 I have a few short questions and then a few
10 longer ones. I'll start with my short questions.

11 Would you agree that child welfare practices
12 are in keeping -- would -- sorry; I'll start that again.

13 Would you agree that child welfare practices
14 that are in keeping with First Nation ethics and behavioral
15 rules reduce the harm experienced by two-spirited and
16 indigenous trans youth when they are having their child
17 welfare interfered with by a state agency?

18 **ALBERT MCLEOD:** I don't know because I
19 haven't, for myself, seen any evidence of that.

20 **MS. JOSEPHINE DE WHYTELL:** Okay.

21 **FALLON ANDY:** I would have to say I don't
22 know either. However, I would just say that, like, I know
23 that in Ontario specifically a lot of organizations and
24 provincial territorial organizations have their own child
25 wellbeing laws and are in the midst of asserting a lot of

1 their own jurisdictional issues, which when the state
2 interferes with that doesn't allow them to always bring
3 into the centre trans and two-spirit voices.

4 So I think it is important that they go
5 through a review process of being, like, how do we make
6 this better for two-spirit and trans youth? But I
7 definitely wouldn't say that they intentionally cause harm.

8 **MS. JOSEPHINE DE WHYTELL:** When you were
9 speaking about the principle of non-interference and how
10 this -- would you agree that this creates a deep divide
11 between how Indigenous and non-Indigenous people view
12 appropriate and reasonable treatment of Indigenous trans
13 youth and two-spirited individuals?

14 **ALBERT MCLEOD:** Well, I think beyond the
15 temptation to try to get the youth or the child to conform
16 to society -- societal ideas about the appropriate gender
17 norm or sexual orientation norm, you know, we did a
18 homelessness study in 2015 in Winnipeg and 20 percent -- 24
19 percent of the youth were LGBT, were homeless that day.
20 And 86 percent of all of respondents in that survey were
21 Indigenous or First Nations.

22 So in that sense, there is some evidence
23 that Indigenous LGBT youth are vulnerable to homelessness.
24 And some of it is related to coming out of Child Family
25 Services, being raised by foster parents who may not have

1 the skills or understanding on how to raise a two-spirit or
2 trans child.

3 **MS. JOSEPHINE DE WHYTELL:** And are there
4 barriers to two-spirit and trans individuals becoming
5 foster parents?

6 **ALBERT McLEOD:** Maybe in some cases but I am
7 familiar with some agencies who do hire two-spirit, either
8 as couples or as single foster parents to parent children.
9 And I was a respite worker for one foster parent.

10 **MS. JOSEPHINE DE WHYTELL:** Thank you.

11 The influence of patriarchy and homophobia
12 has impacted how non-Indigenous culture treats the role of
13 LGBTQ individuals in caring for children. I was wondering
14 how racism has impacted the traditional role of two-
15 spirited and the trans individuals with respect to raising
16 children and transmitting Indigenous cultural knowledge to
17 them.

18 **ALBERT McLEOD:** Could you say that again?

19 **MS. JOSEPHINE DE WHYTELL:** Sure. With the
20 influence of patriarchy and homophobia has impacted how
21 non-Indigenous culture treats the role of LGBTQ people in
22 child rearing and child raising. And I was wondering how
23 racism has impacted the traditional role of two-spirited
24 and trans individuals with respect to caring for children.

25 **ALBERT McLEOD:** Well, I think historically

1 throughout my life who fulfil this role; they didn't marry,
2 they didn't have children, they might have had lovers or
3 partners but principally they functioned as nannies. And I
4 call them "Mannies" because they were mostly men. So they
5 functioned as "Mannies". And Phil said that the oldest
6 child was his favourite, who happened to be 18 years of
7 age.

8 **MS. JOSEPHINE DE WHYTELL:** Interesting.
9 Thank you.

10 I have one last question, mostly for Fallon.

11 I was wondering; could more be done when
12 children are in early school and early ages, to promote
13 their sense of self-expression through arts and help uplift
14 voices of two-spirited youth?

15 **FALLON ANDY:** I definitely think, like,
16 through art, through clothing and fashion, and through
17 making movies, even. Like, how cute would it be to see
18 some, like, young trans and two-spirit kids in a movie,
19 like, making their own movie, right? Like, letting people
20 self -- letting young kids self-express themselves is the
21 most important thing, and not telling them, like, "Boys
22 don't do that. Girls don't do that." Instead of, like --
23 it's really just readjusting your narrative to being
24 supportive and loving and nurturing rather than, like,
25 being restrictive and making kids, like, be something

1 they're not when they're already telling you that they are,
2 like, two-spirit or they're telling you that they identify
3 in certain other ways. Instead of like, gas-lighting them
4 and abusing them you should just, like, support them, and
5 buy them cute things.

6 (LAUGHTER)

7 **MS. JOSEPHINE DE WHYTELL:** Thank you very
8 much.

9 **FALLON ANDY:** Thank you.

10 **MS. CHRISTA BIG CANOE:** Before we call the
11 next party, there's been a request from the panel to have a
12 five-minute break.

13 **CHIEF COMMISSIONER MARION BULLER:** Sure,
14 five minutes.

15 **MS. CHRISTA BIG CANOE:** Thank you.

16 --- Upon recessing at 3:21 p.m.

17 --- Upon resuming at 3:34 p.m.

18 **MS. CHRISTA BIG CANOE:** Hello. We're going
19 to get started again, so if you would like to take your
20 seats? So, we would like to invite next the Treaty
21 Alliance of Northern Ontario, Nishnawbe Aski Nation and
22 Grand Council Treaty 3. I see Krystyn Ordyniec ready, and
23 the Treaty Alliance has 7.5 minutes.

24 **--- CROSS-EXAMINATION BY MS. KRISTYN ORDYNIC:**

25 **MS. KRISTYN ORDYNIC:** Good afternoon,

1 Commissioners. Thank you. First, I would like to begin by
2 acknowledging the traditional territory of the Mississaugas
3 of the New Credit as well as the sacred items in the room
4 and the drum. I'd also like to acknowledge with us today
5 is Nishnawbe Aski Nation Deputy Grand Chief Anna Betty
6 Achneepineskum as well as members of the Nishnawbe Aski
7 Nation Women's Council. And, I'd like to thank both of the
8 witnesses today for their testimony. Treaty Alliance
9 Northern Ontario is made up of Nishnawbe Aski Nation as
10 well as Grand Council Treaty 3, so that's 77 communities in
11 Northern Ontario and Eastern Manitoba.

12 First, I'd like to start by asking Albert,
13 if I could, a question. You spoke about the
14 intergenerational traumas with respect to residential
15 schools, and specifically with respect to LGBTQ2S
16 individuals. And, I wondered if you were familiar at all
17 with a government program, The Indian Residential Schools
18 Resolution Health Support Program, that's offered?

19 **ALBERT MCLEOD:** Yes.

20 **MS. KRISTYN ORDYNIEC:** And, I wonder if you
21 could speak on, if any, specific supports that are provided
22 to LGBTQ2S individuals through that program.

23 **ALBERT MCLEOD:** Well, through the Truth and
24 Reconciliation Commission process, the number of years that
25 it was active, I do know that some of the events, the

1 process of applying for funds to host community events did
2 ask the question about inclusion of two-spirit people in
3 those local events, whatever size they were. With the
4 health support workers, I do know some of them, and I have
5 worked with some of them, but I don't know specifically if
6 there was any orientation or training or hiring of two-
7 spirit people to play those roles.

8 In nineteen -- in 2010, we had the 22nd
9 International Two-Spirit Gathering at Sandy Soto Resource
10 Centre in North Beausejour, Manitoba, and we received
11 funding for the Truth and Reconciliation Commission for
12 that event, and they sent a team of, I think, five health
13 support workers to our gathering. They sent five elders
14 and four statement gatherers, and they gathered 17
15 statements.

16 With regard to understanding the impact on
17 two-spirit people in the 100-and-some years of the
18 existence of residential schools and day schools across
19 Canada, it's been a difficult area to research. Some of
20 the testimony is public, some like the independent
21 assessment process testimony is not public, so we don't
22 know how people described, you know, being lesbian or gay
23 or trans in the schools, any kind of situations that might
24 have occurred regarding abuse in any form. There has been
25 some discussion about same-sex coercion that occurred in

1 the schools. And then assault -- sexual assault by adults
2 who were staff or -- religious staff as well.

3 So, that whole area is still un-researched,
4 and I know with the National Centre for Truth and
5 Reconciliation we have made some efforts to access the
6 testimony or reports within that archive, but it hasn't
7 been fruitful to this point. So, it's just an area, but
8 I'm not sure if any two-spirit health support workers were
9 hired or trained or delivered any kind of support through
10 that whole process.

11 **MS. KRISTYN ORDYNIC:** Would you be
12 supportive of that?

13 **ALBERT MCLEOD:** Oh, yes, definitely. Yes.

14 **MS. KRISTYN ORDYNIC:** Thank you. You spoke
15 with respect to your adolescence and your parents, and I
16 think the quote was, "They didn't have the skills to deal
17 with me." I'd like, maybe, to explore a little bit about
18 how both parents and adolescents in remote communities
19 might face additional barriers to accessing support.

20 **ALBERT MCLEOD:** Well, I think just, you
21 know, your geographic distance, the structure within the
22 social environments whether it's church, school or marriage
23 in terms of, you know, adapting to those social norms that
24 are primarily non-Indigenous or colonial, and that for the
25 most part, you kind of are under the radar or don't

1 disclose that you're a lesbian or gay. Some people get
2 married to kind of have an identity that fits the social
3 norms, and they have children, and then they have partners
4 on the side, or they'll come to the city and have partners.

5 And so, it's quite a mixed bag. You know,
6 there's been cases of -- you know, since the same-sex
7 marriage was enacted in Canada, there's been people have
8 been married on the reserve with the support of family and
9 community. So, you know, it depends where you are,
10 regionally, and I guess who you are. Like, I think if
11 you're not sort of a recognized family, you're more or less
12 on the margins and really won't get a positive response.

13 So, we're working right now in Winnipeg on a
14 children's book about two-spirit identity in that some
15 children have gay parents, some couples are, you know,
16 having children, or adopting children, or fostering
17 children. So, we wanted to develop this book to kind of
18 explain two children about, you know, the historic role of
19 two-spirit, that it's normal to have parents that might be
20 different or to have a trans mother or two mothers. So,
21 it's going to be written at a children or youth level.

22 So, in that case, we're looking at creating
23 a resource that could be used in more isolated communities
24 with families. I know that MKO in Northern Manitoba has
25 sort of a response team that is inclusive of two-spirit

1 identities. And, they kind of do outreach interventions
2 with the individual and family initially, and it's kind of
3 on mental health and suicide prevention.

4 **MS. KRISTYN ORDYNIEC:** Thank you. Fallon,
5 I'm just going to quickly move to you. I have a few
6 seconds. In describing a piece of your artistic
7 expression, you used the words, "I'm sorry you read it that
8 way." And, I wonder if you could speak on any advice that
9 you might have for young trans and 2S individuals who find
10 themselves apologizing in the face of discrimination and
11 privilege.

12 **FALLON ANDY:** Yes. So, I definitely think
13 when kids are faced with discrimination, it just -- it has
14 a lot of effects. That's what you're asking; right?

15 **MS. KRISTYN ORDYNIEC:** That's right.

16 **FALLON ANDY:** The effects on them? Yes. It
17 has a lot of really bad effects on children facing
18 discrimination, especially youth, which can include to
19 really poor mental health. Even -- I would even say some
20 kids get, like, different kinds of traumas because of the
21 discrimination they face, especially in relation to, like,
22 hate crimes. Like, people will get jumped, people get
23 punched, you know, they get sworn at. These are, like,
24 some of the real types of violences that people experience.
25 You know, they get things thrown at them from cars just for

1 being gay, or just for being trans or just for being non-
2 conforming, and I think that that results from -- that can
3 result in real trauma and real pain, poor self-esteem.

4 Yes.

5 And, I think just in addition to your other
6 answer -- your other question previously, is that I think
7 in relation to northern communities. Like, a lot of -- a
8 lot of them really do not have access to appropriate health
9 care. So, for two-spirit and trans kids, like, they
10 wouldn't have access to hormone restorative therapy or,
11 like, hits for -- if they experience sexual violence --
12 because two-spirit and trans kids are at an elevated risk
13 for experiencing that type of violence. Like, how do you
14 deal with that after, right, because of their gender
15 identity or their orientation?

16 And then they also just wouldn't have access
17 to, like, regular goods that two-spirit and trans kids
18 need, like some two-spirit kids need binders or, like,
19 other types of, like, clothing requirements. Yes. And, I
20 think you would be able to find those on the internet.
21 But, in terms of access immediately, northern communities
22 would not have that.

23 **MS. KRISTYN ORDYNIEC:** Thank you very much.

24 **MS. CHRISTA BIG CANOE:** Thank you. Next,
25 we'd like to invite up the Independent First Nations, Sarah

1 Beamish. The Independent First Nations will have 7.5
2 minutes.

3 **--- CROSS-EXAMINATION BY MS. SARAH BEAMISH:**

4 **MS. SARAH BEAMISH:** Okay. Hi, my name is
5 Sarah Beamish, I'm here as counsel for Independent First
6 Nations. And, for the witnesses, Independent First Nations
7 is a group of 12 Haudenosaunee, Anishinaabe and Oji-Cree
8 First Nations in Ontario. And, I'd like to repeat the
9 acknowledgments, greetings and thanks of all my friends who
10 have come before.

11 So, my first question is for both of you,
12 Albert and Fallon, are you both familiar with the UN
13 Declaration on the Rights of Indigenous Peoples? Okay.
14 So, I have a question about that.

15 A bill to implement the UNDRIP, the
16 declaration, through Canadian law has just passed third
17 reading in parliament and it's now on its way to senate,
18 and part of that bill calls for an implementation plan for
19 UNDRIP and an annual reporting on that implementation.

20 So, my question for both of you is, would
21 you recommend that the implementation of UNDRIP in Canada
22 include specific consultation with Indigenous queer and
23 two-spirit people about what those rights mean for them?
24 And, that the annual reports include indicate indicators or
25 reporting specific to queer and two-spirit people? You

1 can...

2 **ALBERT MCLEOD:** It does for me, yes.

3 **MS. SARAH BEAMISH:** Albert, okay. Fallon?

4 **FALLON ANDY:** Yes.

5 **MS. SARAH BEAMISH:** Yes? Thank you.

6 Albert, my next set of questions are for you. In your
7 Exhibit 4, which is the document about Native Ethics and
8 Rules of Behaviour, it talks about the cultural norms that
9 make many Indigenous people hesitant to criticize, correct
10 or show displeasure with others' behaviour in certain
11 circumstances, in ways that are often quite different than
12 the norms in mainstream Canadian society. So, you don't
13 need to go into a very detailed answer, but would you say
14 that these Indigenous ethics and rules of behaviour are
15 ones that may influence people's reactions where there is
16 violence or a threat of violence?

17 **ALBERT MCLEOD:** Well, I think, because it's
18 hard to know what the situation was like in 1920s to 40s or
19 50s, when the federal government's, sort of, relationship
20 with Indigenous peoples became more public knowledge. In
21 those periods, where people were afraid of being arrested,
22 afraid of being charged -- and you have to remember too,
23 that was a period when a lot of ceremonies were made
24 illegal. So, there was, I think generally, about forced
25 assimilation into Christianity or western ways of being in

1 the sense of not acknowledging anything traditional. And
2 so, I think -- can you ask the question ---

3 **MS. SARAH BEAMISH:** Sure. What I was asking
4 was, these behavioural norms and rules, ethics and rules,
5 is it possible that they'll sometimes impact Indigenous
6 people's reactions in situations where there's violence or
7 a threat of violence?

8 **ALBERT MCLEOD:** Well, I think the violence
9 was something new. I think the violence was a product of
10 colonization ---

11 **MS. SARAH BEAMISH:** Okay.

12 **ALBERT MCLEOD:** --- and that there was, you
13 know, people who were law keepers within those communities
14 and families. So, that type of violence that came as a
15 result of colonization I think was introduced.

16 **MS. SARAH BEAMISH:** Okay.

17 **ALBERT MCLEOD:** So, I think the ethics were
18 around keeping the peace, right, and giving people space
19 and respecting people's, you know, individuality. So, I
20 think violence came as a result of the manipulation of the
21 federal and provincial governments to coerce Indigenous
22 people to assimilate.

23 **MS. SARAH BEAMISH:** Okay. Looking at today,
24 in the colonial context, something that struck me when I
25 was reading that part of your document was how lack of

1 mainstream understanding about some of these behavioural
2 norms could play out in the mainstream legal system in
3 particular.

4 And so, one thing I was wondering is, like
5 there are situations of investigations or trials, places
6 where Indigenous people's behaviour and judgment, and words
7 might be judged and might be assessed against a standard of
8 reasonableness. And so, would you say that a lack of
9 understanding of these behavioural ethics might influence
10 how decision makers in context, like investigations or
11 trials, how they would see the reasonableness of an
12 Indigenous victim of violence in terms of what they did or
13 did not do, or say in a situation?

14 **ALBERT MCLEOD:** Well, I think, you know, Dr.
15 Brant's research was based on a small group of people.
16 And, unfortunately, he died before he could get to
17 furthering his research. And, I think his research
18 describes a certain understanding in a certain period of
19 time with regard to ethics, as well as the social
20 environment in terms of living in smaller communities,
21 smaller family groups or extended groups.

22 But, I believe that those ethics still exist
23 in some places in North America or South America, and are
24 still practised, but I think -- generally, the influence of
25 western society in assimilating Indigenous people into more

1 western ways of thinking or being, but I think at some
2 place they do play a factor that may be difficult to
3 identify or tease out, and that the person involved or
4 family involved might not be even aware of it.

5 **MS. SARAH BEAMISH:** Mm-hmm. So, would you
6 say then, that there is a need to examine mainstream
7 understandings of reasonable behaviour through that lens of
8 behavioural ethics, to ensure that Indigenous people in
9 situations of violence are being treated fairly, for
10 instance, in trial context?

11 **ALBERT MCLEOD:** Yes, definitely. And, I
12 think with the resurgence of Indigenous practice, ceremony,
13 cultural teachings, language reclamation -- there's been a
14 huge resurgence in the various language reclamation across
15 Canada, so I think it's a growing area, and that mainstream
16 systems can benefit from that and also integrate some of
17 these ethics into their own understanding of justice.

18 **MS. SARAH BEAMISH:** Okay. So, I have a
19 minute left, I'd like to give the both of you a chance to
20 answer one more question. In both of your materials and
21 testimony at various places, it talked about the white or
22 mainstream queer community as a sight of racist and
23 colonial discrimination against Indigenous people. What do
24 you have to say about the white queer community's
25 responsibility for oppressing Indigenous people and

1 contributing to the violence they experience, and what
2 would be some important steps toward accountability?

3 **FALLON ANDY:** So, one example I have is here
4 in Toronto, where the 519, the major organization took
5 really -- had a major lack of steps in taking and
6 addressing, like, the disappearance and murder of Alloura
7 Wells. And, also, even in relation to Bruce McArthur, a
8 serial killer, Toronto based, who murdered a bunch of,
9 like, non-status -- not non-status Native, but non-status
10 -- like, they didn't have citizenship. He murdered a bunch
11 of non-status men of colour who recently moved here.

12 And, there's such a lack of response from
13 white organizations across the board, like the 519, the
14 police -- who else? Yes. I just think those two are the
15 major people who should be responsible and accountable for
16 that. And, I think the 519 had more responsibility in
17 advocating for all of their rights. It's not specific to
18 Indigenous people, but I think that, like, the 519 has a
19 role to play in getting more people -- getting more
20 Indigenous people on their boards, getting them employed,
21 and then just having more open programming space for them.

22 **MS. SARAH BEAMISH:** Thank you. And, Albert,
23 would you like to add anything to that?

24 **ALBERT MCLEOD:** No.

25 **MS. SARAH BEAMISH:** No, okay.

1 **MS. CHRISTA BIG CANOE:** Thank you. The next
2 party we'd like to call is the Assembly of First Nations,
3 Julie McGregor, and the Assembly will have 7.5 minutes,
4 please.

5 **--- CROSS-EXAMINATION BY MS. JULIE MCGREGOR:**

6 **MS. JULIE MCGREGOR:** Good afternoon,
7 Commissioners and panel members. My name is Julie McGregor
8 and I'm an Algonquin from Kitigan Zibi Anishinabeg and I'm
9 here representing the Assembly of First Nations.

10 I would like to begin by acknowledging the
11 territory of the Mississaugas of New Credit. And I'd like
12 to thank the Elders and the prayers and the drum and the
13 sacred items in the room.

14 The Assembly of First Nations is a national
15 advocacy organization representing First Nation communities
16 in Canada and includes over 9,000 people living in 634
17 First Nation communities across Canada.

18 I'd like to start my questioning for Albert.
19 Can I call you Albert?

20 **ALBERT MCLEOD:** Yeah.

21 **MS. JULIE MCGREGOR:** Thank you. You spoke
22 earlier about how Indigenous families don't know comforting
23 and loving language and you mentioned how communities have
24 been disrupted. To clarify, when you were referring to
25 this disruption, were you making reference to the

1 influences of residential school and those influences that
2 they've had in the communities?

3 **ALBERT McLEOD:** Well, I think if you look
4 back at, you know, pre-contact history goes back 12,000
5 years in Canada somewhere post-Ice Age, so those societies
6 had thousands of years to evolve a language, a belief
7 system, a spiritual practice, science, healing, all of
8 that. So that continuum was disrupted with colonization
9 and the sort of -- the slow erosion of this traditional
10 knowledge and the knowledge-keepers, the devaluing, you
11 know, calling people heathen, pagan, you know, and that
12 unless you converted to Christianity and were baptized you
13 were not considered fully human, and so you remained
14 outside of that understanding of what -- the colonial
15 Europeans brought to North America and could not access,
16 you know, those privileges, whether it was cloth, you know,
17 iron pots, iron knives.

18 So, to me, it is a disruption and we're
19 coming out of that disruption now. And so, yeah.

20 **MS. JULIE MCGREGOR:** So the disruption is
21 actually the colonial process and not specifically -- you
22 weren't specifically referring to residential schools?

23 **ALBERT McLEOD:** Well, the residential
24 schools --

25 **MS JULIE MCGREGOR:** It's part of the ---

1 **ALBERT McLEOD:** -- was an aspect of the
2 colonial process in terms of -- you know, the -- Tomson
3 Highway says the -- you know, from his experience in Indian
4 residential school the children were inculcated to believe
5 that their Indigeneity had no value and that assimilation
6 to, you know, European or colonial ways of being was the
7 ideal and that inculcation is about repetition. And when
8 you have children locked in a dormitory or in a church for
9 months on end, you can expect at some point they begin to
10 believe it's true.

11 So, in some sense, the state was hand in
12 hand with the church in brainwashing these children and
13 that's the harm, that's the disruption. And the place and
14 understanding of gender diversity, tradition, all of that,
15 was caught up in that process and disrupted.

16 **MS. JULIE MCGREGOR:** Thank you. You stated
17 in your evidence that if you are a two-S, LGBTQ youth you
18 will not get a house. Presumably you meant a house on a
19 reserve; is that correct?

20 **ALBERT McLEOD:** Well, I was generalizing
21 about that because I do knew *[sic]* some two-spirit people
22 who live in First Nations who do have a house. But I'm
23 talking about some youth who leave their community because
24 they are in overcrowded housing, come to the city with a
25 lot of expectations, ideals. They end up couch surfing.

1 They end up in shelters. They end up on the street. And
2 so, again, as I said, I'm here to advocate on -- for those
3 people who need help, not for those who are more or less
4 okay.

5 **MS. JULIE MCGREGOR:** Thank you. I'm going
6 to move over my questions to Fallon. And, Fallon, can I
7 call you Fallon?

8 **FALLON ANDY:** Sure.

9 **MS. JULIE MCGREGOR:** With regard to your
10 artwork and the memes you create, we know social media can
11 often be a negative and unsafe place for Indigenous people,
12 and particularly for two-S, LGBTQ individuals. You've
13 spoken about your own personal experiences as well, and on
14 Wednesday we're going to have a panel on racism and
15 focussing in on the media. But I'm wondering, from your
16 perspective as an artist, what are some of the examples of
17 the safeguards that need to be created to -- need to be put
18 in place to create safe spaces for two-S, LGBTQ artists?

19 **FALLON ANDY:** Like safe spaces in the media
20 or just like --

21 **MS. JULIE MCGREGOR:** Yeah.

22 **FALLON ANDY:** -- generally?

23 **MS. JULIE MCGREGOR:** Well, you -- your
24 evidence talked about creating memes and, you know, putting
25 that out there.

1 **FALLON ANDY:** M'hm.

2 **MS. JULIE MCGREGOR:** And then a lot of times
3 you'll get, you know, racist or comments or inappropriate
4 comments and that can somehow stifle -- that could often
5 somehow stifle Indigenous artists and LGBTQ, two-S artists
6 as well. So I'm wondering, what kind of practical things
7 do you see to stop that negativity and racism happening?

8 **FALLON ANDY:** Yeah, stopping discrimination
9 against, like, LGBT artists, LGBTQ, two-S, gender non-
10 conforming, non-binary artists is really important. I
11 think in terms of safeguards it would just be like creating
12 their own spaces. So, you know, having an art gallery or
13 having an old space that you don't use, just being, like,
14 that spot where people can create art, but they can also
15 stay together and support each other and that just being,
16 like, the spot for them without, like, people who might --
17 like, that's just free of discrimination from everybody
18 really, and people not using their correct pronouns.

19 **MS. JULIE MCGREGOR:** For Indigenous people,
20 art and culture are often intertwined. In trying to
21 educate people through art do you feel resistance because
22 you -- but you may be moving away from traditional notions
23 of what Indigenous culture is? And, if so, what would your
24 response to be -- what would your response be to that kind
25 of criticism?

1 **FALLON ANDY:** I think traditionalism as it
2 is with, like, the capital T and Elders who really
3 reinforce, like, skirt wearing and shaming and gender
4 policing generally, like, are the ones who need to change.
5 I think that they need to change. I don't think that, like
6 -- and I don't think it's fair to say that tradition is
7 stagnant or that it stops moving or that it's fixed,
8 because I think that Indigenous people are always evolving
9 and that they have to, because a lot of government policies
10 put up a lot of really intense systemic barriers,
11 especially for queer women and art queers, queer LGBTQ and
12 women. And so I think because of that, like, everything
13 always has to keep evolving. So keeping things in the past
14 can often be very harmful and it's important to stay in the
15 present.

16 **MS JULIE MCGREGOR:** Miigwetch, Fallon, and
17 miigwetch, Albert.

18 **ALBERT MCLEOD:** Miigwetch.

19 **MS CHRISTA BIG CANOE:** Thank you.

20 Next we'd like to invite up Native Women's
21 Association of Canada, Virginia Lomax. Native Women's
22 Association has 16-and-a-half minutes.

23 **--- CROSS-EXAMINATION BY MS. VIRGINIA LOMAX:**

24 **MS. VIRGINIA LOMAX:** So thank you. My name
25 is Virginia Lomax and I'm legal counsel to the Native

1 Women's Association of Canada. And first today I'd like to
2 recognize that we're on the territory of Anishinaabe
3 Mississauga of the New Credit and Hodinohso:ni, and thank
4 you for welcoming us to your territory.

5 I also wanted to thank the Elders for their
6 prayers and to the drummers for their songs today and I
7 want to recognize the sacred items that are in the room
8 here with us today.

9 I'd also like to thank some of my friends
10 behind me for sharing their time with me today. And in
11 thanks I'll be asking some questions on their behalf.

12 And first I'd like to ask permission to call
13 you both by your first names?

14 **FALLON ANDY:** Yeah.

15 **MS. VIRGINIA LOMAX:** Thank you. And
16 permission, may I begin with you, Robert?

17 **ALBERT McLEOD:** Sure.

18 **MS. VIRGINIA LOMAX:** Thank you. And so, you
19 mentioned that you felt you had to leave your community; is
20 that correct?

21 **ALBERT McLEOD:** Yes.

22 **MS. VIRGINIA LOMAX:** And was this the result
23 of heteronormative views that potentially displaced the
24 idea of non-interference with community beliefs and
25 acceptance?

1 **ALBERT McLEOD:** Well, I think within my
2 family environment I was more or less safe. And -- but as
3 you know, as we became to more adolescence and adulthood,
4 we were more being integrated into the broader society, you
5 know? We're a Metis family, not wealthy, and primarily in
6 a white town. And so, the whole school transition to high
7 school was one of the rights of passage. And then
8 conforming to those norms of adolescent males, or
9 adolescent females, which were very binary constructed.

10 And as a queer youth who already formulated
11 an identity, and I didn't feel shame about my femininity,
12 or my indigeneity, being put into that environment was very
13 harmful for me. And it's only now, you know, after 30
14 years, when I quit school, at age 16 or 17 -- I can't
15 remember -- that it was the same year that Helen Betty
16 Osborne was murdered. She was in my high school. She was
17 in one of my classes and I used to think, you know, it was
18 the -- only because of homophobia that I quit school. And
19 I knew there was better education out there, you didn't
20 have to have a -- you know, a deep understanding of
21 education to realize that what I was getting was not what I
22 needed to attain my vision or my career.

23 And it was only in hindsight many years
24 later that it was the same year I quit, was the year that
25 she was murdered. So I think in some sense, that overt

1 racism and violence against her influenced my decision to
2 quit high school.

3 **MS. VIRGINIA LOMAX:** And so how might you
4 describe ways to increase programs, or services, or
5 educations, that might assist in fostering acceptance, and
6 also challenging the racism that you're describing within
7 homes and within communities?

8 **ALBERT MCLEOD:** Well, I think, you know,
9 there really has to be conversations about what is history.
10 I work with Roger Ouellette in Winnipeg and we do a
11 workshop called "Authenticating Ojibway Beliefs and Value
12 Systems". And it's -- the subtitle is called, what the
13 language tells us. Because there is a lot of pan-
14 Indigenous practice today, or assumptions of what is
15 authentically Indigenous, that is -- that you consider as
16 valuable as historical practice. And so, we're kind of
17 picking and choosing and drawing from all kinds of post-
18 contact influences that are really not authentic.

19 So I think, you know, in having this
20 dialogue about violence against women or racism, people
21 have to have the opportunity to talk about what's happened
22 to their communities. You know, in one community they had
23 two Catholic priests over 100-year span. Those priests
24 served 50 years each in that little village and the
25 Catholic church was the centre of that community for 100

1 years. And those priests controlled the radio. So if
2 someone was sick, you went to the church, you went to the
3 priest to get them to either, you know, bring in the RCMP,
4 someone was lost; bring in the plane, someone's sick.

5 So every act in that community was through
6 these two men, and I might say, these men were not trained
7 people. They were priests, Catholic priests. They were
8 not social workers, they were not counsellors, they were
9 not doctors, and they were not mayors, or civil servants.
10 They were Catholic priests and they ruled that community
11 for 100 years. And that's the conversation that has to be
12 had is whose values are we actually playing out in our
13 families and our communities.

14 **MS. VIRGINIA LOMAX:** And so you did speak
15 today about some traditional protocols that are based on
16 some understanding of gender binary. Could you comment on
17 how -- on some best practices to incorporate two-spirit,
18 LGBTQ+ and gender diverse people into traditional protocol
19 or to otherwise encourage acceptance?

20 **ALBERT McLEOD:** Well, I think if you
21 deconstruct back to the beginning, beginning of time, or
22 time in memorial ---

23 **MS. VIRGINIA LOMAX:** In memorial.

24 **ALBERTA McLEOD:** But you know, there's been
25 anthropologist who have done a lot of research, you know,

1 going through journals, a lot of it is lost. Some of it,
2 as Roger Ouellette says is archaic in the sense that there
3 are words, but no one knows what they mean because they've
4 been out of use for so long.

5 So just in terms -- it really is -- one of
6 the beliefs or practices, values that Roger talks about in
7 his work, is faith and belief as a practice. And that at
8 some point we have to believe and have faith in that the
9 human standing across from us is gifted with knowledge,
10 expertise, has something to contribute to the whole, the
11 collective. And that not to be judged based on colonial
12 ideas of who that person is, what status they attained by
13 their experience with western society.

14 I was told a number of years ago a story
15 about a trans woman who was invited to a sun dance and she
16 went to change in the women's area and some of the older
17 women came back and they were very offended, because when
18 the trans woman was changing they saw her penis. And so
19 she was rejected from the sun dance for that. And I said,
20 by the time everybody is 30 around the world, they've
21 likely seen a penis, right? So what's the big deal?

22 So it just gets to that point where it's
23 actually puritanical and it's used as a way to threaten, to
24 intimidate, and to abuse other people. So I think it's,
25 you know, for generations, the museums have had this sort

1 of Victorian idea about Indigenous culture, a lot of
2 erotica sits in the back of the museums that's never put on
3 display because they can't get it past the Elders who see
4 that as too salacious. You know, that Indigenous erotica
5 is too evil, and so we're getting an edited view of
6 Indigenous life.

7 And I think that sort of puritanical idea
8 exacerbates the fear and discrimination against two-
9 spirited people as being, you know, sexual perverts, or too
10 sexual and those kinds of things. And so, I think there's
11 a lot of work to be done around, you know, who we are
12 historically and culturally.

13 **MS. VIRGINIA LOMAX:** And so you mentioned
14 today that you would have preferred Brownies over Cub
15 Scouts; is that correct?

16 **ALBERT MCLEOD:** Yeah.

17 **MS. VIRGINIA LOMAX:** Between you and I, and
18 the public record, I would have preferred Cub Scouts over
19 Brownies.

20 **ALBERT MCLEOD:** They were all scared by the
21 way.

22 **MS. VIRGINIA LOMAX:** Would you agree with
23 the statement that it's a good recommendation for this
24 inquiry to make to eliminate gender-based admission
25 criteria for children's programs, particularly those that

1 are sponsored, supported, or promoted by governments?

2 **ALBERT MCLEOD:** I don't know the answer to
3 that because -- because I think in some situations a trans
4 child may fit well with, you know, a girls' group, you
5 know? I don't know what all girls get up to when they get
6 together, and I don't know what boys get up to when they
7 get together, but in some senses in the culture, we do know
8 that there was societies based on gender.

9 So gender specific subcultures or societies
10 that did certain things did exist in pre-contact times. So
11 I think having, sort of, gender neutral or just to me I
12 don't know if that would be appropriate. There ought to be
13 a lot more discussion around that.

14 **MS. VIRGINIA LOMAX:** Thank you so much for
15 your answers and for your lifetime of work for our
16 communities.

17 And Fallon, if it's alright, I'd like to ask
18 you some questions as well.

19 **FALLON ANDY:** Sure.

20 **MS. VIRGINIA LOMAX:** So since we're talking
21 about memes, there's been a piece of text floating around
22 my social media this weekend that's really stuck with me,
23 and that phrase is "I don't know how to better explain to
24 you that you should care about other people." It's vital
25 that this inquiry play a role in inspiring greater empathy

1 among the broader public for the epidemic of violence that
2 we see from coast, to coast, to coast against Indigenous
3 women and girls and 2SLGBTQ+ and gender diverse people.
4 And so, I wanted to ask you if you have any suggestions or
5 best practices relating to this rather large question, how
6 do we better explain to the public that they should care
7 about violence against women, girls, 2SLGBTQ+ and gender
8 diverse people?

9 **FALLON ANDY:** Yes. Thank you for your
10 question. I think that the Canadian Human Rights
11 legislation does a good job of outlining that. Like, in
12 the purpose of the Act, it does say that if people are
13 discriminating against you based on your sexual orientation
14 or your gender identity or expression, then you are -- can
15 be at fault for discriminating. And, it does also say that
16 in the *Ontario Human Rights Code*, if you prevent somebody
17 from getting a promotion in a job, or you don't hire them,
18 or you reject their housing application, or you harass them
19 in the bathroom because you think they don't belong in that
20 bathroom, then you are actually discriminating against
21 them, on them, to them based on their gender identity and
22 expression.

23 And, I would also like to add that talking
24 about people's genitals is sexual harassment, and I think
25 that's -- you should really consider why you're talking

1 about somebody's genitals. Not because I think that two-
2 spirit and trans people are over sexual or anything, but I
3 think that it is sexually harassing to talk about people's
4 genitals, especially in the workplace, and especially in
5 bathrooms, and especially in gyms, anywhere, really. So,
6 in terms of best practices, don't talk about people's
7 genitals.

8 **MS. VIRGINIA LOMAX:** And so, you spoke
9 briefly about health services for trans and for gender non-
10 conforming individuals or gender diverse people; is that
11 correct?

12 **FALLON ANDY:** Sorry, could you repeat your
13 question?

14 **MS. VIRGINIA LOMAX:** So, you spoke briefly
15 about health services for trans and gender non-conforming
16 folks?

17 **FALLON ANDY:** Yes.

18 **MS. VIRGINIA LOMAX:** And so, would you agree
19 that these health services may include sex reassignment
20 surgery?

21 **FALLON ANDY:** Yes.

22 **MS. VIRGINIA LOMAX:** And, can you comment on
23 barriers to obtaining sex reassignment surgeries for First
24 Nation, Métis and Inuit youth?

25 **FALLON ANDY:** Oh, wow, thank you so much for

1 asking that question. So vital. There are so many
2 systemic barriers to surgeries related to gender
3 reassignment. That includes that the provincial government
4 only covers so many financially, and they can actually cost
5 up to \$15,000, to \$30,000, \$40,000, so there is nobody who
6 could afford to pay for that out of their own pocket. So,
7 if somebody wanted to make their body feel more like home,
8 then people would have to pay for that out of their own
9 pocket or pray on as many Gods as they possibly could that
10 the provincial government or federal government covered
11 their surgery.

12 **MS. VIRGINIA LOMAX:** And, could you speak to
13 the impact on safety and security of having to wait for sex
14 reassignment surgeries?

15 **FALLON ANDY:** Yes, I think for some people
16 the safety and security is definitely a multifaceted thing.
17 For one is that people's mental health, and people are
18 denied medical services. They get an -- they become more
19 at-risk, I think, for suicide or suicidal ideation or
20 cutting. And, I also think that in real time, as people
21 get into friendships or whatever with other people -- I
22 wouldn't say that not having surgery puts people at risk
23 for violence, but I think that people shouldn't expect it
24 from other people either, and that it's a really big step
25 to take. So, it depends on people's needs at the time, and

1 who's supporting them. Yes. Gwen Benaway's article talks
2 a lot about it.

3 **MS. VIRGINIA LOMAX:** So, as a queer woman
4 myself, I've directly experienced that my own safety is
5 closely related to where I live, and I was wondering if you
6 could comment on either how to make safe spaces to live
7 more accessible for two-spirit LGBTQ+ and gender diverse
8 individuals or how to make spaces that 2SLGBTQ+ and gender
9 diverse individuals already live in more safe?

10 **FALLON ANDY:** Yes, I think -- that's a good
11 question, and I don't know that I have best practices right
12 off the top of my head other than correcting your aunties,
13 and uncles, and grandparents, and ceremony people, elders,
14 who are really overtly transphobic in order to -- just
15 generally low-key transphobic. I think that they should be
16 held accountable for causing people to have bad self-
17 esteem.

18 **MS. VIRGINIA LOMAX:** I'm going to leave it
19 there, but thank you both so much for sharing your
20 knowledge with us today and your expertise

21 **FALLON ANDY:** Thank you.

22 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
23 Lomax. Next, we'd like to invite up the Battered Woman
24 Support Services. I'm not sure -- oh, Viola Thomas is
25 coming up, and the Battered Woman Support Services has 7.5

1 minutes.

2 **--- CROSS-EXAMINATIONB BY MS. VIOLA THOMAS:**

3 **MS. VIOLA THOMAS:** Good afternoon. I'd like
4 to reintroduce myself through my traditional name, A-nim-
5 kee-be-way-tum (phonetic). I would like to ask both of you
6 your reflections relating to the marginalization,
7 specifically to two-spirited women both within two-spirit
8 community and mainstream LGBTQ community. And, my question
9 in that regard is, could you elaborate around the
10 internalized homophobia within Indigenous communities and
11 compounded by the mainstream society further compounded by
12 the mainstream LGBTQ and how that impacts on violence
13 against Indigenous two-spirited women specifically?

14 **ALBERT MCLEOD:** Well, I think, you know, I
15 can only speak to the research that I'm aware of, and Dr.
16 Karina Walters had done a study in the US a number of years
17 ago. And, one of the things she found around violence
18 against lesbian women was related to them sort of being
19 coerced or forced into relationships with the opposite sex
20 for survival. So, in that case, they might experience
21 violence, forced to live with a heterosexual male partner,
22 and also the risk of contracting HIV was increased through
23 that relationship as well or those kind of situations.

24 Again, I think same-sex violence in
25 relationships is an issue. That's not well understood or

1 spoken about. I was involved in a poster campaign about
2 domestic violence in Winnipeg about six years ago, and they
3 created a series of five posters that were all binary
4 gender-specific that was role modeling healthy males in
5 relationship to women and families with the messaging
6 about, you know, honouring women and stopping domestic
7 violence.

8 And, unfortunately, there was discussion to
9 include a poster specific to domestic violence and two-
10 spirit people, specifically women, and that was not
11 approved. And so, the sixth poster was not a part of that
12 collection. The Status of Women did hear our voice and did
13 create a specific poster about two-spirit people and
14 domestic violence, but it wasn't part of this larger
15 campaign that reached the Indigenous community.

16 **FALLON ANDY:** I think internalized
17 homophobia, from a cisgender lesbian perspective, it's
18 definitely something that is really difficult to deal with.
19 And, I think just agreeing with Albert's points and saying
20 that Albert mostly covered most of it, but I do think that
21 they are at increased rates of different types of
22 sexualized violence including what Albert mentioned
23 regarding HIV and assault. Yes.

24 **MS. VIOLA THOMAS:** As for both of your
25 advocacy work within two-spirit community overall, would

1 you agree that two-spirited women are forcibly displaced
2 from their communities due to that internalized violence
3 and homophobia from within Indigenous communities? I've
4 heard many lived experiences of two-spirited women who have
5 been violated by Indigenous men within our communities to
6 fix them, per se.

7 **ALBERT MCLEOD:** Yes, I've heard anecdotal
8 stories about that situation where, you know, it could be
9 situations where it's a family member or a close friend,
10 and there comes to a situation, again, there's a lot of
11 pressure that, you know, being a young woman, you know,
12 you're eligible for marriage or even an arranged marriage,
13 and if you're a lesbian or a trans male, there's a lot of
14 pressure to conform.

15 So, in terms of, you know, situations where
16 women are forcibly raped to, like you said, show them the
17 benefits of being heterosexual women and having sex with
18 men, in some cases, you know, there are lesbian women who
19 are older who commit suicide because, you know, they don't
20 want to face growing old in poverty and those kinds of
21 situations.

22 So, I think, again, the intersection of, you
23 know, your Indigenous identity, your gender identity and
24 then your sexual identity is a compounded situation where
25 violence is very likely, as well as poverty. It's very

1 likely.

2 **FALLON ANDY:** I definitely agree. I think
3 that systemic, community-based homophobia isn't -- like,
4 homophobia on the res or homophobia in organizations really
5 prevents everybody, especially including (indiscernible)
6 lesbians from getting into leadership roles, having their
7 opinions and -- opinions counted and their rights asserted
8 or stripped away even. So, I agree.

9 **MS. VIOLA THOMAS:** Fallon, you spoke to how
10 well provincial and federal human rights law articulates
11 the different forms of multiple discrimination. I'm
12 wondering, would you agree that both provincial and federal
13 human rights law needs to be amended to deal with the
14 multiple forms of discrimination so that you're not having
15 to tick off the singular box with regards to human rights
16 violations when you are violated, whether it's as a two-
17 spirited woman or within the two-spirited community
18 overall?

19 **FALLON ANDY:** Yes, I definitely think it
20 should be amended to include things like sexual harassment
21 and, like, violence based on, like, gender-based violence.
22 I think that that would be really impressive.

23 **MS. VIOLA THOMAS:** Albert, you mentioned in
24 your comments having the opportunity to go to high school
25 with Helen Betty Osborne, and would you agree that her

1 murder was a result of hate and not because she was --
2 because of her gender and how hate crime law does not
3 address hate against women specifically as a hate crime?

4 **ALBERT MCLEOD:** Well, I think it was really
5 interwoven with racism and misogyny in her particular case,
6 because the year before, Guy Hill Indian Residential School
7 was closed. And so, the plan was that the students from
8 the northern reserves, including Norway House, where she
9 was from, would be housed in the Town of The Pas, and they
10 would go to the high school. And they were sort of housed
11 with local families, kind of like surrogate parents, I
12 guess you could say, for the duration of the school year.

13 So, what happened in The Pas in that year,
14 in '70 and '71, was there was a high percentage of
15 strangers in the Town of The Pas. And, again, it was kind
16 of a community where the unwritten rules of privilege were
17 known by the locals. But, because these students were
18 oblivious to the inherent racist rules of the Town of The
19 Pas, that they found themselves in places where, you know,
20 they were "not supposed to be".

21 So, this began to raise the tension in the
22 community, and she was kidnapped, sexually assaulted and
23 murdered, and I think it was a message in the sense that as
24 an Indigenous woman, she was disposable, that as an
25 Indigenous First Nations person who didn't know the

1 unwritten rules of the Town of The Pas that it was a
2 message to all the other ones, that you abide on how this
3 town functions, and who has privilege and who doesn't.

4 So, I think in her case, she struggled, and
5 I think she was murdered because she said no, to send a
6 message, is that you do not say no to the oppressor.

7 **MS. VIOLA THOMAS:** For many of our two-
8 spirited youth, particularly young women two-spirited youth
9 who end up being on the verge of homelessness and/or couch
10 surfing, would you agree that a lot of them become
11 vulnerable to sexual exploitation, whether it's within the
12 mainstream gay, lesbian, queer communities, or within the
13 mainstream community overall, and what actions or
14 recommendations could you offer to the Commission to
15 provincial, federal, First Nations governments of what --
16 of how to create better intervention strategies to reach
17 out to the marginalized, two-spirited young people?

18 **FALLON ANDY:** Yes, I definitely think that
19 does put them at increased risk for sexual violence or
20 being homeless or houseless. I think for recommendations
21 for addressing that would be just to have more -- like,
22 shelters need to be more accessible and need to be better
23 funded. There needs to be more beds in shelters. There
24 needs to be more rooms. Also, that shelters should be
25 inclusive of trans women and their families. I think

1 that's all that I have for those recommendations.

2 **MS. FRANCINE MERASTY:** Viola, your time is
3 up.

4 **MS. VIOLA THOMAS:** Thank you.

5 **MS. FRANCINE MERASTY:** Next, we'll have
6 Regina Treaty Status Indian Services with Erica Beaudin.

7 **--- CROSS-EXAMINATION BY MS. ERICA BEAUDIN:**

8 **MS. ERICA BEAUDIN:** Good afternoon. Thank
9 you to the elders, drummers, singers for their prayers and
10 songs this morning. As well, as a citizen of Treaty 4, I
11 acknowledge the welcome to the traditional homelands of the
12 Mississaugas Anishinaabe and the Haudenosaunee, and bring
13 well wishes from our treaty area.

14 My name is Erica Beaudin. I am the
15 Executive Director of the Regina Treaty Status Indian
16 Services. First of all, Albert, may I call you that?

17 **ALBERT MCLEOD:** Yes.

18 **MS. ERICA BEAUDIN:** (Speaks in Indigenous
19 language) for your presentation this morning. I want to
20 acknowledge the courageous path you have had to walk due to
21 the misogyny and racism you faced as a two-spirited male in
22 your community. Coming from the Prairies myself, your
23 story is very familiar, as many of my relatives and friends
24 felt they also had no choice but to leave their homes to
25 larger centres to become who they are.

1 You briefly mentioned HIV and spoke about
2 B.C. having better support services and care; correct?

3 **ALBERT MCLEOD:** Yes.

4 **MS. ERICA BEAUDIN:** I have heard this also
5 from friends and family who stayed in B.C. because the B.C.
6 government prioritized better drugs and services for those
7 living with HIV and AIDS. Unfortunately, this isn't the
8 same in all provinces. What can be done by the National
9 Inquiry in terms of a recommendation for Indigenous 2SLGBTQ
10 who live with HIV/AIDS to receive culturally appropriate
11 and safe services, regardless of what province or territory
12 they live in?

13 **ALBERT MCLEOD:** Well, I'm on the public
14 health agency, National Aboriginal Council on HIV and AIDS,
15 and we have made recommendations to the public health
16 agency around recognizing that two-spirited people were
17 primarily the first wave that was affected in the
18 Indigenous population by HIV and AIDS, and we are survivors
19 of that period, 30-year period, and that there is a lot of
20 direction to move towards new populations like injection
21 drug users, or heterosexual people, and a lot of time our
22 experience is not acknowledged. Our learning and our
23 wisdom of surviving is not acknowledged, and I think that
24 needs to be a part of the Canadian response to HIV and AIDS
25 as the continuation of the inclusion of two-spirited people

1 as advisors and experts in this area.

2 We're coming to a place now, where there are
3 long-term survivors who have lived with HIV for over 20
4 years. For some reason, they are starting to get quite ill
5 and dying. For many of them, because they come from rural
6 or remote or First Nations communities, they want to go
7 home. They want to be in their homeland, they want to be
8 in their community, and they want to be with their family.

9 So, I think in terms of the Inquiry is to
10 facilitate that -- one of recommendations is that to work
11 with families and communities so that these people can
12 return home, you know, to live out their days, to be cared
13 for in their communities in their traditional way.

14 **MS. ERICA BEAUDIN:** Thank you very much.
15 You spoke about family units and the importance of
16 understanding and creating opportunity for the removal of
17 barriers of 2SLGBTQ couples who would like to foster or
18 adopt. This is a bit of a different question I'm going to
19 go on. Apart from the actual placing of children of
20 2SLGBTQ, what recommendation to the NI Commissioners would
21 you suggest for the inclusion of 2SLGBTQ knowledge and
22 education for the staff, as well as foster parents for
23 children and youth who identity as such?

24 **ALBERT MCLEOD:** Well, I think, in terms of
25 fostering children, we have 10,000 children in care in

1 Manitoba, that, you know, the two-spirit community would be
2 a great place to recruit foster parents for these children.
3 The foster parents that I know who are two-spirit and
4 raising children have been very effective in terms of
5 parenting. Even as single parents, they have accomplished
6 a lot in the children that they're working with.

7 And, I think it is an area to explore in
8 that there is a push to have children remain with their
9 community, with their cultural identity, and that it could
10 be facilitated through the recruitment of two-spirit people
11 as foster parents. Some of us have access to two
12 resources, many of them have been employed, and so it's a
13 lot of opportunity to fill that gap.

14 **MS. ERICA BEAUDIN:** Thank you. Thank you
15 for your time today. Fallon -- may I call you Fallon?

16 **FALLON ANDY:** Yes.

17 **MS. ERICA BEAUDIN:** Chi-Miigwetch for your
18 presentation today. My pronouns are she and her. For the
19 community database, I would like to speak the name of
20 Brandy Wesaquate, who was born with the name Charles Rene.
21 Brandy went missing on New Year's Day 2012 at the age of 28
22 in the City of Regina. She is still missing and is on the
23 list of missing people on the Saskatchewan Association of
24 Chiefs of Police website. They still identify her as male
25 despite all attempts by family and advocates to acknowledge

1 the way she chose. It has been explained to us it's
2 because she was legally a male.

3 Do you believe there should be a third or
4 different option available, and should the NI include or
5 acknowledge this in their recommendation?

6 **FALLON ANDY:** Yes, they should, and they
7 should have more options available.

8 **MS. ERICA BEAUDIN:** Thank you very much.
9 Fallon and Albert, you both spoke about the need for two-
10 spirit councils this morning and this afternoon. Many of
11 us who are in this room have the ability -- actually, the
12 responsibility to make this happen in our organizations and
13 areas we live in. How can we ensure that our organizations
14 create safe places for authentic voice for two-spirited
15 LGBTQ? How can the National Inquiry Commissioners provide
16 recommendations for capacity building and sustainability to
17 ensure that two-spirit councils or support groups are
18 strong, vibrant and stand the test of time?

19 **ALBERT MCLEOD:** Well, I think, you know,
20 that all the pieces are in place, you know? I don't think
21 we've come to this place now, today, without a lot of
22 intentional work done by various aspects of the community,
23 whether it was the queer community, or the Indigenous
24 community, or the systems. And, that, as I mentioned
25 earlier, we all carry gifts. The issue or the challenge is

1 to believe in those gifts and have confidence that change
2 is good, change is productive, change will prevent violence
3 against Indigenous women and two-spirit people.

4 Unfortunately, our systems are constructed
5 on a colonial idea of privilege and it is patriarchal
6 privilege that presents barriers to the change. And, that,
7 you know, as Indigenous people, we have our teachings, we
8 have our knowledge, that everyone is welcome in the circle,
9 and it's not up to any individual or group to exclude
10 someone, because we all have that divine gift and we have
11 that destiny that it integrates, and entrenches us, and
12 embeds us and weaves us with the other.

13 So, in my slide, I showed the ultra male and
14 ultra female, and the gaps of the people in between. What
15 happens in a colonial experience is the couple comes
16 together and closes that gap, and pretends that it's a
17 whole circle. And, what we have to do is realize is that
18 things are not going to get better until we realize that
19 those gaps are still there.

20 There are teachings, there are people, there
21 is knowledge that these people hold; right? And, I don't
22 think -- you know, unless there is a completion of the
23 circle that includes two-spirit and trans people, that the
24 violence -- the colonial violence will continue.

25 **FALLON ANDY:** I also think there would be

1 power in having, like, a Canadian Human Rights Tribunal
2 that court orders, like, the federal government to pay,
3 like, money to fund two-spirit and trans advisory councils,
4 like federally and provincially.

5 **MS. ERICA BEAUDIN:** Thank you both for
6 coming to share your knowledge. Safe travels back to your
7 home fires.

8 **FALLON ANDY:** Miigwetch.

9 **MS. CHRISTA BIG CANOE:** Commission counsel
10 would like to call Eastern Door Indigenous Women's
11 Association. Natalie Clifford has 7.5 minutes.

12 **--- CROSS-EXAMINATION BY MS. NATALIE CLIFFORD:**

13 **MS. NATALIE CLIFFORD:** Thank you. Good
14 afternoon, I'm Natalie Clifford from Eastern Door
15 Indigenous Women's Association. Thank you for your
16 evidence today and most of my questions were answered by
17 the cross-examination of my colleagues. I still have a
18 couple.

19 Fallon, I would like to begin with you, if
20 that's okay. So, we heard and got to see some of your art.
21 Would you say that it's your primary medium for your
22 advocacy work?

23 **FALLON ANDY:** Yes.

24 **MS. NATALIE CLIFFORD:** Okay. So, from what
25 we saw, you typically use it to affect perceptions and

1 change maybe societal norms?

2 **FALLON ANDY:** Definitely to de-stigmatize
3 gender and disseminate information around practical
4 solutions to gender-based violence.

5 **MS. NATALIE CLIFFORD:** Okay. Do you think
6 it's probably one of the most effective ways to reach,
7 especially the young audience these days, and affect those
8 perceptions and norms?

9 **FALLON ANDY:** I think given that the tools
10 that I have and the limitations and systemic barriers that
11 are in place to -- like, really affecting wide change for,
12 like, ending gender based violence to, like, two-spirit and
13 trans people, I think that it is the most effective for
14 now, but there are other more effective tools in terms of,
15 like, provincial and federal education around gender, and
16 then also -- yes, I think it would mostly be in the
17 education and health system and justice actually. Cross-
18 sectorally, there's opportunities to do that

19 **MS. NATALIE CLIFFORD:** You mentioned that
20 some of the memes that you showed were when you were
21 working for a particular organization, but I wondered
22 whether you always get paid for your art.

23 **FALLON ANDY:** No, I don't.

24 **MS. NATALIE CLIFFORD:** Okay. And, as you
25 are one of our young Indigenous artists and a two-spirit

1 member of the LGBTQ community, I wonder if you could offer
2 an opinion on whether art should be funded.

3 **FALLON ANDY:** Oh, yes. I definitely think
4 art should be funded more. Like, in Ontario, I know it's
5 funded by the Ontario Arts Council and the Toronto Arts
6 Council, and then that is -- that funding comes from the
7 Ministry of Tourism, Culture and Sport, and that Ministry
8 really -- I think it funds quite a few different things. I
9 think it funds Ontario Trillium and then the Ontario Arts
10 Council. I might be wrong about Ontario Trillium, but for
11 sure the Ontario Arts Council.

12 And, I think that the amount of funding they
13 receive is quite substantial, but I think that they can,
14 like -- I think that they could bring it up more to
15 increase initiatives around, like, the Indigenous Culture
16 Fund and -- like, have more initiatives such as that.

17 **MS. NATALIE CLIFFORD:** So, on that point, I
18 think you're talking about decisions around how the money
19 is actually spent, with respect to which artists are
20 funded. Is that sort of what you're talking about?

21 **FALLON ANDY:** Yeah.

22 **MS. NATALIE CLIFFORD:** Okay.

23 **FALLON ANDY:** So, like, funding formulas for
24 Indigenous communities, yes.

25 **MS. NATALIE CLIFFORD:** So just, then, a

1 question because this is something that I've heard from
2 other young Indigenous artists, like yourself whose work is
3 very important.

4 I wonder if you have a recommendation about,
5 you know, given the traditionalist friction at times, about
6 who should be deciding or how we could better decide what
7 Indigenous art should be funded.

8 **FALLON ANDY:** I think -- I definitely think
9 there's a way to maybe create some type of indicators of
10 that that would be self-determined by First Nations
11 communities -- or not First Nations, sorry; I'm not at work
12 -- for Indigenous communities. I think as a whole, like,
13 they definitely need accurate representation as well as
14 two-spirit and trans representation, and then like working
15 together to create those indicators and then giving them to
16 the Ministry of Tourism, Culture, Sports, who can then give
17 them to everybody else. And, you know, if they don't meet
18 them, then they're discriminating.

19 **MS. NATALIE CLIFFORD:** And a lot of work has
20 been done in that regard, I think some would say. But it
21 would be your recommendation, and perhaps argument, that
22 that's not work that should be done, rather ongoing?

23 **FALLON ANDY:** I think both, yeah.

24 **MS. NATALIE CLIFFORD:** Okay. Thanks you.

25 Albert, I just have a quick little line of

1 questioning for you.

2 In your evidence you told us about sort of a
3 way that your community, you know, when you came to an
4 urban area, has evolved and adapted to a lack of support
5 and services from families and communities, and even the
6 urban centres, and you've used the term "chosen family".

7 And so in some other hearings we've heard
8 about other, you know, ingenious ways that communities and
9 individuals have adapted despite, you know, lack of support
10 otherwise. But one of the things we're trying to balance
11 here in our Inquiry is how to ensure that you know, victim
12 services and health supports and other kinds of government
13 institutional services are also, you know, continually
14 evolving and made available to those communities.

15 So I just -- I wanted to ask sort of a
16 personal question based on your experience and decades as a
17 -- you know, a matriarch in chosen family situations
18 whether your family members have experienced violence.

19 **ALBERT McLEOD:** Of my chosen family or my
20 physical family, ---

21 **MS. NATALIE CLIFFORD:** Of your chosen
22 family.

23 **ALBERT McLEOD:** --- or my birth family? My
24 chosen family? Yes, and I've experienced violence as well.

25 **MS. NATALIE CLIFFORD:** And have you

1 experienced loss of a chosen family member by murder?

2 **ALBERT McLEOD:** My father, and within my --
3 I guess that's the extent. A couple of cousins.

4 **MS. NATALIE CLIFFORD:** Okay. So in the
5 context of your chosen family -- and I'm envisioning a
6 situation where someone has experienced violence -- can you
7 speak to your experience or lack thereof with respect to
8 access to victim services and health supports?

9 **ALBERT McLEOD:** Yeah, it's a bit convoluted
10 in the sense that in some cases it's the birth family who
11 has priority to victim services. Any chosen family members
12 kind of have to -- depending on your relationship with the
13 chosen family, how you access those supports as a kind of
14 perceived outsider is a bit complicated. And depending on
15 the situation as well.

16 And I think just in terms of the concept of
17 chosen family or surrogate family members that is something
18 that really needs to be -- you know, people need to be
19 educated about that because that really is important to
20 survival, you know, primarily in a urban context.

21 **MS. NATALIE CLIFFORD:** Would it be a
22 recommendation that institutions be better informed and
23 educated on the different kinds of families with respect to
24 those services?

25 **ALBERT McLEOD:** Yes, with a frame on

1 cultural lens because I think it's all embedded in the
2 cultural teachings. It may not be as evident today but,
3 you know, as I told you the story about the role of the
4 memory; that in various cultural groups there is still the
5 practice today and that it's something that we can tap into
6 and strengthen.

7 **MS. NATALIE CLIFFORD:** Thank you.

8 **MS. CHRISTA BIG CANOE:** Thank you, Ms.
9 Clifford.

10 Next we'd like to invite Aboriginal Woman
11 Action Network, and Ms. Fay Blaney's coming up.

12 The AWAN has seven and a half minutes.

13 **--- CROSS-EXAMINATION BY MS. FAY BLANEY:**

14 **MS. FAY BLANEY:** Hi. Others before me have
15 acknowledged the sacred items and the Nation and that sort
16 of thing, and I want to do something a little bit
17 different.

18 In my family I have relatives that are
19 traditionalists that follow sacred items and sacred
20 practices. And in my family I also have Christians, and
21 our family gatherings can be fireworks sometimes, and we're
22 learning how to work through that. And I just wanted to
23 make sure that this s also a safe space for the Christians
24 in the room. So -- and that's my heart.

25 I heard you, Fallon, talking about loving

1 and I also love the Christians in my family, even though
2 I'm not Christian myself.

3 So my first question is for you, Albert.
4 You were showing us images of a Zuni woman. Can I ask you
5 where the Zuni originate?

6 **ALBERT MCLEOD:** They're in the southwest
7 U.S.

8 **MS. FAY BLANEY:** Okay. And under the *Indian*
9 *Act*, they've called us "Indians"; they've called us
10 "Indigenous"; they've called us, "First Nations" and they
11 have assumed that our cultures are all the same, that we
12 have pan-Indian identity.

13 And so I just wanted to ask you if you have
14 ever in your research come across any discussion of
15 sexuality and gender from any of the cultures in Canada?

16 **ALBERT MCLEOD:** Sexual identity, sexual
17 orientation, ---

18 **MS. FAY BLANEY:** Yes.

19 **ALBERT MCLEOD:** --- or sexual practice?

20 So I think as I referenced earlier about the
21 museum collections and the tendency or concern about
22 showing any kind of historical objects that reference
23 sensuality, sexuality, that there's a tendency to keep
24 those from the public and to keep them -- you know, from
25 the Indigenous community, within a colonial context.

1 Because I think all aspects of Indigenous life are sort of
2 monitored and regulated and so I think there's invested
3 people who -- perceived as Elders or traditionalists who
4 work to shield us from that history or that knowledge of
5 what -- how Indigenous people saw sexual behaviour,
6 sexuality.

7 And my colleague, Patricia Ningewance, just
8 published a book *19 Traditional Stories* that were given to
9 her by her mother in 1985.

10 **MS. FAY BLANEY:** Which culture is she from?

11 **ALBERT McLEOD:** Ojibwe.

12 **MS. FAY BLANEY:** Okay.

13 **ALBERT McLEOD:** And she wrote the stories
14 down. And it's only now that she's edited them, put them -
15 - published them in a book, and I was at the launch a few
16 weeks ago in Winnipeg. And one of the stories is about the
17 giant penis. And so this was a children's story that she
18 learned when she was about 10, 12 years old. And it tells
19 us that Indigenous people, based through what the language
20 tells us and the construction of the story or the moral of
21 the story, did not have, you know, a sort of an antiquated
22 idea about sexuality, body parts; and that it was seen as
23 normal and that children should learn this because they're
24 human and that they will be sexual at some point.

25 So it was kind of a way that children were

1 socialized into the community through these different
2 stories.

3 **MS. FAY BLANEY:** Alright. Thank you. I'm
4 already halfway through my time, I see.

5 **ALBERT McLEOD:** Okay.

6 **MS. FAY BLANEY:** I just really wanted to
7 make the case for diversity amongst our cultures and in BC
8 we have the most cultures. And so, I think your answer to
9 me is that there actually hasn't been any study, and it's
10 yet to be done. Okay. So, my next question pertains to
11 something that you said, Fallon, around the family that I
12 was really interested in. So, would you say that the
13 heterosexual family unit is a major institution under
14 patriarchy?

15 **FALLON ANDY:** For some cases, yes.

16 **MS. FAY BLANEY:** For some?

17 **FALLON ANDY:** Mm-hmm.

18 **MS. FAY BLANEY:** But, not all? Like, not
19 predominantly in this country?

20 **FALLON ANDY:** I think it depends on who it
21 is.

22 **MS. FAY BLANEY:** Okay. And, what about
23 under *The Indian Act*?

24 **FALLON ANDY:** Under the *Indian Act*, is it --
25 it's -- you're asking is everything predominantly

1 heterosexual?

2 **MS. FAY BLANEY:** Mm-hmm.

3 **FALLON ANDY:** Yes. I mean, that's --
4 heterosexualism is sort of the main sexuality category,
5 it's very normalized, and you see it everywhere in media,
6 so...

7 **MS. FAY BLANEY:** Yes. I agree with you
8 because I gave the same testimony last time when I was
9 here. So, would you say that the patriarchal system is
10 threatened by lesbianism, and can you talk about why that
11 would be?

12 **FALLON ANDY:** Probably. Yes. I think
13 hetero-patriarchy and masculinity and toxic masculinity is
14 very fragile. And so, anything that doesn't -- when you
15 don't let men talk, they will get upset, and that's their
16 fragile masculinity sort of breaking down, or when you --
17 so if you're ever on the TTC subway in Toronto and you sit
18 by a dude who's sitting like this, and you sit beside him,
19 and then you do this, he's going to be upset and think you
20 are taking away essential resources of space from him,
21 which is patriarchy and toxic masculinity.

22 **MS. FAY BLANEY:** Yes.

23 **FALLON ANDY:** Yes.

24 **MS. FAY BLANEY:** And, the family unit is
25 something that I've been really preoccupied with in this

1 Inquiry. So, what are your thoughts on the current state
2 of the family unit within our Indigenous communities?

3 **FALLON ANDY:** I think Indigenous communities
4 and families are just very different. You know, I think
5 regionally they're very different, and I think when it
6 comes to gender identity, they're also different too. Yes,
7 in terms -- are you asking about acceptance of...

8 **MS. FAY BLANEY:** Yes, is it a safe place for
9 lesbians? Mainly, I'm concerned about lesbians because of
10 the mandate of this Inquiry.

11 **FALLON ANDY:** Okay. Is the family unit safe
12 for lesbians? I think so as long as they're making their
13 own choices.

14 **MS. FAY BLANEY:** Okay.

15 **FALLON ANDY:** Yes.

16 **MS. FAY BLANEY:** Alright. I'll leave that.
17 I had more to add, but I have -- oh, I went over already.
18 Sorry. I guess I won't ask about harm reduction then.

19 **MS. CHRISTA BIG CANOE:** Thanks, Ms. Blaney.
20 The last party that we would like to invite up is
21 NunatuKavut, I'm sorry if I've mispronounced that,
22 Community Council Inc. I see Mr. Roy Stewart coming up.
23 They have seven-and-a-half minutes, and please feel free to
24 correct my pronunciation, Mr. Stewart.

25 **--- CROSS-EXAMINATION BY MR. ROY STEWART:**

1 **MR. ROY STEWART:** It's the Nunatukavut
2 Community Council, and I could be saying it wrong. One of
3 our speakers tomorrow, she'll give us the correct
4 pronunciation. So, first off, I'd just like to thank the
5 Commission, all the elders and everybody who's contributing
6 in any way to this Inquiry. I would just like to say
7 thanks to them.

8 So, Albert, I've just got a few quick
9 questions for you, if you don't mind. This morning you
10 explained the importance of reliance on the land and its
11 resources, and then you sort of went into an explanation of
12 the concept of non-interference and its importance of -- or
13 on children who are born with a purpose and how they need
14 to carry out that purpose.

15 So, I was just wondering, do you agree that
16 an Indigenous groups' tangible connection to its
17 traditional territory is important to ensuring that
18 children, you know, whether they're born two-spirited or
19 what have you is able to live out that purpose? So, I
20 guess, you know, can that be further facilitated with that
21 tangible connection to the traditional territory?

22 **ALBERT MCLEOD:** Yes, when I returned from BC
23 to Manitoba, it was because I wanted to be in my homeland.
24 Growing up in the north, I understood the land, the water
25 and the plants. You know, it was my traditions, it was the

1 core of my identity and my relationship with reality, with
2 creation. And, in talking to many two-spirit people, they
3 like to return home to get that feeling of belonging. They
4 don't necessarily get it from their birth family, which is
5 something -- a deficit, but they get it from the land. And
6 so, I think that's an important aspect of identity.

7 And, two-spirit people, that connection to
8 the land -- and Dr. Alex Wilson does a university course
9 called Land-based Teachings. So, in many ways, two-spirit
10 people are leading human rights movements, ecological
11 movements, climate change movements, anti-pollution
12 movements against pipelines, you will find two-spirit
13 people in there, because I think they understand the
14 importance of connection to the land and the preservation
15 of the land.

16 **MR. ROY STEWART:** Okay. Thanks. I guess
17 I've just got one follow-up question given your answer.
18 So, this morning you also discussed the link between
19 suicide prevention and the presence or absence of a safe
20 space, and how the ability to have that safe space was
21 dependent on recognizing the role of two-spirited peoples
22 and their purpose in the world. So, linked to that
23 recognition, I guess, do you agree that the lack of
24 recognition of some Indigenous groups by the government
25 adds to, I guess, that marginalization?

1 And, I guess, you know, for an example, as
2 you all know, given your stories this morning speaking in
3 reference to Métis, or different Inuit groups, or whether
4 you're non-status and whether governments' view select
5 groups are not Indigenous enough, and how this contributes
6 to two-spirited and other young people growing up and
7 fulfilling their purpose. So, what are your views on that?

8 **ALBERT MCLEOD:** Well, I think you'll find it
9 in most colonized Indigenous populations around the world
10 whether it's India or some of the African communities, the
11 Philippines, that homosexuality or lesbianism or trans
12 identities are a product of the colonial state, and they
13 were not traditional, they were not Indigenous, and it's
14 still a very strong belief among certain sectors,
15 especially the patriarchal leadership that it was kind of
16 imposed on Indigenous people as, kind of, a corruption of
17 values, and it's the exact opposite of that.

18 And, I think, you know, with the powers that
19 it be, that's our point; you know? I am First Nations, I
20 have a Chief, I have a community, and what I get to do once
21 a year is to vote for the Chief, and that's it. That is
22 violence; right? I only exist to vote for a Chief that I
23 will never probably see.

24 **MR. ROY STEWART:** I think that's a great
25 point. I just have one more question, if you don't mind.

1 This morning you were expanding on your point that
2 Indigenous women have been intentionally discriminated
3 against and removed from positions of leadership and the
4 implications of this. So, my final question is,
5 specifically, how can Indigenous groups whose foundation
6 and strength of their culture is grounded on women and
7 women's roles in the community regain their leadership
8 roles in the face of what you've just described as the
9 colonial lens that still persists and controls Indigenous
10 lives?

11 **ALBERT MCLEOD:** Well, I think a facet of
12 colonization is to undermine the individual's confidence
13 and strength by using sex as a tool of assimilation and
14 coercion and colonization. And then Tomson Highway, in his
15 writings, write about that in his play "The Rez Sisters" is
16 the point of view of seven women on a reserve. And "Dry
17 Lips Ought to Move to Kapuskasing" is the point of seven
18 men on the reserve and it analyses the impacts of
19 colonization on their identities and gender roles.

20 But one of the things that Roger Roulette
21 talks about in the transmission of culture through language
22 and storytelling, especially towards children, is the
23 introduction of social values, and we call them today is
24 taboos. And one of the principal taboos that was taught
25 very early on was about incest and that it was not

1 tolerated and that people watched children and protected
2 children from experiencing sexual abuse by adults. And
3 that's one of the factors I think that goes across Canada
4 in terms of the Indigenous experience is the manipulation
5 of children around incest, especially the targeting of two-
6 spirit people and, you know, that a lot of times people are
7 forced to keep secrets within their families and
8 communities that causes so much mental stress that they
9 attempt suicide or complete suicides to get away from the
10 trauma.

11 So I think when we talk about culture and
12 tradition, we have to talk about these social taboos and
13 the principal taboo is against incest, and that will
14 strengthen women.

15 **MR. ROY STEWART:** Alright. Thank you. And
16 I see that I'm just about out of time, so I just want to
17 thank you and Fallon today for being here and sharing your
18 stories and knowledge. Thank you.

19 **MS. CHRISTA BIG CANOE:** Chief Commissioner,
20 Commissioners, I can advise that I only have one question
21 for both witnesses in redirect and it's just a matter of
22 correcting or clarifying for the record. That will take me
23 just a few moments. If I may proceed with that and then
24 turn it to you for your questions?

25 **CHIEF COMMISSIONER MARION BULLER:** Okay.

1 We're good to go.

2 --- RE-EXAMINATION OF MS. CHRISTA BIG CANOE:

3 **MS. CHRISTA BIG CANOE:** Okay. So, Fallon, I
4 just have one question of clarification. During one of
5 your responses you had mentioned First Nation and then you
6 made a comment, "Oh, I'm not at work." And so I just want
7 to contextualize for anyone watching or listening, and you
8 don't have to describe, because you're here today in your
9 knowledge keeping and expert capacity as an individual, not
10 by your employer, but you work for a First Nation
11 organization?

12 **FALLON ANDY:** Yes.

13 **MS CHRISTA BIG CANOE:** Yes. So when you
14 made that comment it was just in context of, oh, I'm not at
15 work because at work you're used to having to use the
16 language First Nation; is that fair?

17 **FALLON ANDY:** Yes.

18 **MS CHRISTA BIG CANOE:** And then, Albert,
19 when Ms. Blaney was asking you some questions about the
20 research that may be done in relation to Canadian examples
21 or diversity of Indigenous communities -- and I'm sorry,
22 I'm paraphrasing, Ms. Blaney, I think the comment was, oh,
23 so there are no research. But I want to clarify. It's not
24 that there's necessarily no research on the issue, there's
25 none that you're familiar with?

1 **ALBERT McLEOD:** Well, actually, the research
2 is embedded in the historical journals, either by early
3 explorers or observations that they did, by the church
4 groups that were here very early. And so it's the people
5 who wrote letters back to Europe about what they were
6 seeing, describing how Indigenous people interacted, you
7 know, their sexual practices, their gender roles and all of
8 those details. So it's mostly embedded in the academic
9 field. You know, people, if they know which journal or
10 document or book to access will get that information, but
11 it's kind of, you know, a bit a convoluted arms' length
12 process and that a lot of Canadians generally don't have
13 access to those academic sources.

14 So I think really when we look at sexual
15 behaviour, sexuality, ideas about gender, we can look at it
16 through the European lens of what was perceived by the
17 early settlers and the academics. Dr. Sabine Lang from
18 Germany has done a lot of work around two-spirit identity
19 and the different roles by tribal group, so that's one
20 source. It's quite recent, but even, you know, but as
21 early as 1529 there's some references that begin just after
22 Columbus was in South America.

23 **MS. CHRISTA BIG CANOE:** But it's fair to say
24 too, like, in terms of contemporary academic or research
25 work on this we couldn't expect one individual to be able

1 to answer whether or not there's any reports on this. So
2 is it fair to re-characterize the response to the question
3 that none that you're aware of?

4 **ALBERT MCLEOD:** Well, I think the lack of
5 research, contemporary research around Indigenous gender
6 identities is a symptom of colonization in the sense that
7 it is still under the control of the state.

8 **MS CHRISTA BIG CANOE:** Thank you. Those
9 were my questions in re-examination.

10 Before I ask the Commissioners if they have
11 questions or comments, one thing I forgot and overlooked
12 this morning when we started this panel was to acknowledge
13 the second chairs that helped pull the panel together and
14 that have worked with the knowledge keepers and experts to
15 ensure all this material was before the Commission and the
16 parties withstanding. And so the second chair on this
17 panel is Francine Merasty, and she was assisted by Shelby
18 Thomas, so I just wanted to acknowledge their work in
19 helping put this panel together as well.

20 I'll now ask if you have questions.

21 **--- QUESTIONS BY CHIEF COMMISSIONER MARION BULLER:**

22 **CHIEF COMMISSIONER MARION BULLER:** Thank
23 you.

24 First, I have a question for both
25 panellists. There are some organizations, none of whom are

Questions
(Chief Commissioner Buller)

1 in the room today I believe, who still have on their
2 membership forms space for mother's name, father's name and
3 genders of children. What would your advice be to them
4 about changing their membership forms or registration forms
5 to make it more inclusive?

6 **ALBERT McLEOD:** Well, I think it should be
7 expanded to be more reflected of diverse family
8 constructions, as well in terms of gender identity as well.
9 I'm not sure how important sexual orientation is, but
10 certainly I think gender identity might be important to
11 add. And I think -- I'm not sure if the Canadian census
12 with regard to Indigenous people includes those options for
13 filling -- you know, filling in the Canadian census, so
14 collecting data I think is really important because in this
15 generation I think people are more willing to self identify
16 in research or within those kind of census documents.

17 **CHIEF COMMISSIONER MARION BULLER:** Thank
18 you.

19 **FALLON ANDY:** Thank you for your question.
20 I think I would add that it would be something similar to a
21 parent and just removing the gender identity from the
22 parents because I know that for, like, lesbian families
23 people will want to adopt, or, like, have their kids, or if
24 they have a donor, then they'll want -- then there's a lot
25 of legal barriers that can happen if -- when they're

1 becoming parents and they have a donor and they have to go
2 through, like, release forms, consent forms and, like, it
3 ends up costing quite a bit of money. So removing that
4 barrier would be good and then to also -- as the gender
5 marker when people are there for young kids, definitely
6 leave options for self identifying and because the language
7 just changes, like, every generation I think. And I think
8 it's just important to stay up to date.

9 **CHIEF COMMISSIONER MARION BULLER:** Okay.

10 And my second question is for you, Fallon Andy. Can you
11 explain a little bit more about toxic masculinity and
12 fragile masculinity?

13 **FALLON ANDY:** Of course. I think they're
14 the same thing, so toxic masculinity is like -- it's like
15 really the root cause of, like, a lot of intimate partner
16 violence, domestic violence, sexualized violence, gender-
17 based violence. And I really think that those things are
18 the direct results of patriarchy. And it can also be the
19 direct results of, like, homopatriarchy. So, like -- which
20 is a new term which we haven't said much about today. But
21 homopatriarchy is just like homosexual cisgender men who
22 take up a lot of leadership roles and who don't leave a lot
23 of space for people to -- people or transwomen or non-
24 binary youth to take up more space because all those roles
25 are inhabited by the homopatriarchy. And I think you see

1 that a lot, especially in Toronto with, like, the two-
2 spirited people of the First Nations in Toronto here. I
3 think, yeah, and then, like, they're fragile because any
4 time people take away resources from them they can then
5 become defensive and emotionally abusive or manipulative or
6 coercive. And, I think those are really harmful to our
7 movements and ending gender-based violence.

8 **CHIEF COMMISSIONER MARION BULLER:** Thank
9 you. Those are my questions. Thank you both for being
10 wonderful teachers.

11 **FALLON ANDY:** Thank you.

12 **--- QUESTIONS BY COMMISSIONER BRIAN EYOLFSON:**

13 **COMMISSIONER BRIAN EYOLFSON:** Thank you. I
14 just have a few follow up questions as well. Albert, near
15 the beginning of your evidence, you were talking about some
16 of the things that were happening in the two-spirit and
17 trans community. You spoke of cultural reclamation. I'm
18 just wondering if you could just explain a little bit more
19 about what that entailed or what you meant by that.

20 **ALBERT MCLEOD:** Well, I think when we look
21 at the history and of colonization in Canada per se, you
22 know, it's been 400 years, so in some senses, all of the
23 weight of that pre-contact knowledge has been stunted or
24 plugged up, you know, through legislation, unfair laws or
25 discriminatory laws, racist laws towards Indigenous people.

1 And, now, as a state, we're coming out of
2 that period where we're more focused on equality rights,
3 human rights, and really investigating that because that
4 makes us human. And so, at some point, that holding back
5 of that weight of, you know, 11,000 years on this colonial
6 period, that dam is going to break and it's broken. And, I
7 see it. I see it now.

8 On Saturday, I was at a sun dance and I was
9 telling someone here. I said, 24 hours ago, I was standing
10 in front of the sacred tree at the sun dance, and today I'm
11 in Toronto at this hearing. I said, that is where we are
12 in 2018. One day I can be in a sun dance arbour, the next
13 day I can be at this hearing.

14 Working with Roger Roulette on the
15 revitalization, a reclamation of the language,
16 authenticating it is another aspect. And, I see it
17 happening everywhere. The resurgence is everywhere.
18 People are picking up their crafts, people are -- youth are
19 tanning hides, something I thought had died in the 60s with
20 my grandmother's generation. We have a company -- a
21 leather company in Winnipeg and they bring students there,
22 Indigenous and non-Indigenous students, and they teach them
23 how to tan hides the old way. Something I thought had gone
24 forever is being reintroduced. So, I see it happening in
25 all ways that the value of our knowledge, our traditions,

1 our past is in the present, and all we have to do is reach
2 out and touch it. Even in Toronto we can do that.

3 It's a state of mind, a state of being, and
4 I think if you can vision it, it will materialize. That is
5 one of the basic tenets of Aboriginal belief, is that
6 creation, you know, understands us so well in our human
7 experience that what we ask for is given. So, somewhere
8 along the way, in the last 300 years, someone visioned this
9 cultural reclamation, and that that dam would burst and we
10 would be in a tsunami of cultural reclamation.

11 **COMMISSIONER BRIAN EYOLFSON:** Thank you.

12 And, a bit further to that, you also spoke about the
13 creation -- people starting to create safe places for trans
14 and two-spirit people in Indigenous communities, and I'm
15 wondering if you can comment on what may be some key things
16 that are being done or could be done to ---

17 **ALBERT MCLEOD:** Well, I think the youth are
18 leading the way and they're much more -- as peers, whether
19 they're heterosexual, or trans, or gay, or two-spirit, they
20 have an allegiance to each other. And so, we see gay
21 straight alliances in First Nation Schools, in rural
22 communities.

23 So, it's that understanding at that age,
24 right, in high school or junior high, where they get it and
25 they don't want their friends harmed; right? They don't

1 want their friends discriminated against. Like, they want
2 to end the violence because -- you know, when someone
3 suicides, especially a two-spirit person, that doesn't
4 happen in isolation. Their peers are affected. They may
5 not be able to show it or acknowledge it, but that death
6 leaves a gap, and that gap will be there for the rest of
7 their lives and that is something they will carry for the
8 rest of their lives. No matter how much you pretend it
9 didn't happen, it happened and it resonates in their mind,
10 in their soul, in their spirit.

11 **COMMISSIONER BRIAN EYOLFSON:** Okay. And,
12 Fallon, would you have anything to add about creating safe
13 places in Indigenous communities for trans and two-spirit
14 people?

15 **FALLON ANDY:** Yes, I definitely think just
16 reiterating some of the panel, in terms of creating safe
17 spaces like, I think -- I think to do that, we really need
18 to have access to good elders. Elders who are safe and who
19 aren't going to discriminate against people based on their
20 gender identity, who know how to use language correctly,
21 and who, like, prioritize the love, and safety and
22 wellbeing of the kids who are there. So, that can be like
23 someone who is an elder, or an auntie, or even just, like,
24 a slightly older youth.

25 Like, I think that -- when we talk about

1 intergenerational things, we often think of, like, young
2 people, middle aged people, and then, like, elder, and
3 there's no -- we don't understand the intricacies of, like,
4 intergenerational youth and the powers that they have.

5 So, when I worked at the Native Youth Sexual
6 Health Network, we went up to -- our mandate -- I guess it
7 was just, like, our rules or terms of reference, or
8 whatever, we tried to keep people together who were under
9 30. So, that meant that we got to hang out with, like,
10 teenagers doing gender education, and then, like, children,
11 and then, like, early 20s, and then later 20s. And, all
12 those ages bring such different perspectives and different
13 ideas and different solutions. So, even just realizing the
14 power that youth have under 30 is really, really important
15 and just recognizing that you can give them money directly.

16 **COMMISSIONER BRIAN EYOLFSON:** Okay. Thank
17 you. And, just one additional question. Albert, you did
18 refer to situations where trans and two-spirit people may
19 leave their communities and feel the need to go to the
20 urban centres, and then there may be vulnerabilities that
21 they face. And, you also spoke about the reluctance -- or
22 trans and two-spirit people maybe not likely to go to
23 mainstream LGBTQ service providers. I'm just wondering if
24 you could comment a bit more on the reasons behind that and
25 what needs to be done about that.

1 mainstream queer organizations need to be more culturally
2 sensitive and culturally informed either through training
3 or, like, more workshops provided to them, because I do
4 find that, like, a lot of queer organizations, such as the
5 519, are really racist. Like, they're anti-black, they're
6 anti-Indigenous. And, I think, like, the anti-blackness
7 is, like, not okay. Especially the way that it leaves out
8 the interceptions of, like, black and Indigenous
9 communities and youth, and especially black and Indigenous
10 youth who are trans or two-spirit. That is, like -- like,
11 they need -- it's either an anti-oppression training that
12 also talks about anti-blackness, but it can't always -- I
13 think because of the way our identities and histories
14 overlap and connect, and are actually very integrated
15 together that they need to be -- like it shouldn't be so
16 reductive to only be Indigenous-informed training. Like,
17 it also needs to include black communities and black two-
18 spirit and trans youth.

19 **COMMISSIONER BRIAN EYOLFSON:** Okay. Thank
20 you both very much for answering my questions.

21 **--- QUESTIONS BY COMMISSIONER QAJAQ ROBINSON:**

22 **COMMISSIONER QAJAQ ROBINSON:** Thank you. I
23 have a couple of questions. First, and it feels like a
24 stupid question, but I think that we're here with open
25 hearts and open minds, and we've used a lot of acronyms,

1 and I know that there's people listening maybe in this room
2 or even on the cameras, and are trying to understand what
3 some of these acronyms mean. And, I think one of the
4 acronyms used, or the most comprehensive one, was
5 LGBTQ2SQIA; is that correct? Could you unpack that for us?

6 **FALLON ANDY:** Yes. Okay. So, the acronym
7 definitely gets all jumbled all over the place. Sometimes
8 people throw -- sometimes when I'm hanging out with people
9 I don't know, I like to throw in an extra acronym just to
10 be like -- no, I'm just kidding. But, yes, so it's
11 definitely lesbian, gay, bi, transgender, queer,
12 questioning, intersex or asexual. Those are the broad
13 ones, and then two-spirit. Yes. Does that help?

14 **COMMISSIONER QAJAQ ROBINSON:** Yes, it does.
15 Thank you very much. And, it's really -- and that, sort
16 of, acronym has, I don't want to say evolved, but the
17 recognition has evolved. Does that really speak to -- I
18 mean, it's also almost trying to create a pigeon hole;
19 right? It could be more letters in there, and that's what
20 we have to accepting of, the inclusion of; is that, sort
21 of, a fair...

22 **ALBERT MCLEOD:** I'd like to contextualize
23 it, and...

24 **COMMISSIONER QAJAQ ROBINSON:** Okay.

25 **ALBERT MCLEOD:** Because it's your lens on

1 history, especially North American history, and how these
2 words evolved in the late 1800's and how they were adopted
3 or adapted and used in modern English language around the
4 world now, it really talks about a post-colonial period,
5 and -- but I want to start back with the early colonists
6 and the people who came -- immigrated here by ship to North
7 America, and we have to understand that there was LGBT
8 people on those ships. Like, I think through history
9 classes or the way history is presented to us, whoever was
10 at Plymouth or Jacques Cartier and his gang, or who -- you
11 know, the coureur des bois, we assume they're all
12 heterosexual men and women, and that's a myth, right,
13 that's been perpetuated for over 150 years in Canada.

14 You know, there was lesbian women, there was
15 trans women, there was trans men, and there was gay men on
16 those ships. There had to be; you know? Just as any
17 culture says that homosexuality was imposed by the
18 colonialists is wrong. You go to any culture around the
19 world, you will find gay people. Words, thousands of years
20 old. So, what we've been told in North America is that,
21 you know, the colonialists came here, they found gay people
22 here that were Indigenous, and they kind of wrote about it,
23 but there was none among them, which is BS. Because if you
24 look at the journal history, you will find descriptions of
25 gay people, trans people, right, throughout, from the very

1 beginning.

2 So, through the paranoia of, you know, post-
3 World War II, the Cold War, lesbian -- no, "homosexual" was
4 introduced in the late 1800's. "Lesbian" is sort of an
5 archaic Greek word. "Asexual", more recently, in the
6 1920's. "Transgender", 1988. So, as a society, these are
7 terms that evolved recently through sort of academic or
8 social fields and have been adopted as terms to describe
9 the uniqueness of human sexual orientation or gender
10 identity.

11 "Two-spirit" came in 1990 as a spirit naming
12 process that is traditional. It's never really defined
13 what the two spirits are, but I think it's the first time
14 in North American history queer people had a reference
15 about their spirituality, that we're spirit beings as well,
16 especially as the background against Christianity, right,
17 that we are spiritual too; right? And, we've got a spare,
18 just in case.

19 So, part of the process, in the advocacy,
20 and I'm grateful for Blu and her advocacy of putting the 2S
21 in -- before the LGBT because then it becomes historical
22 accurate, at a minimum, and nobody could argue with that.
23 You know, that we are the first queers of the Americas,
24 nobody could take it away; right? And, all of that came
25 after. So, that's -- it's a process of self-identifying,

1 and it may not be perfect, but it's a way of communicating;
2 right?

3 **COMMISSIONER QAJAQ ROBINSON:** And, I think
4 your point about cultural and linguistic revitalization to
5 understand the Indigenous languages too may change the
6 language moving forward. But, you're right, people have
7 not changed, the words have. Thank you for that. I think
8 it's really important that we have these conversations
9 about language because words are very powerful.

10 **MS. CHRISTA BIG CANOE:** Commissioner
11 Robinson, Fallon just wanted to add something.

12 **COMMISSIONER QAJAQ ROBINSON:** Oh, sure.
13 Absolutely

14 **FALLON ANDY:** Yes, I just also wanted to add
15 that, in terms of history, Marsha P. Johnson and Sylvia
16 Rivera were also the first people to really initiate the
17 LGBT movement. And so, Marsha P. Johnson was a black trans
18 woman, and Sylvia Rivera is also a trans woman, and they
19 threw -- they threw a brick, and it launched a whole
20 movement, and it was amazing because the discrimination is
21 real and it goes back over 50, 60 years. So, I just
22 thought I would add that history bit for...

23 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

24 **FALLON ANDY:** Thank you.

25 **COMMISSIONER QAJAQ ROBINSON:** We've heard

1 from a number of people in anecdotal and in first-hand
2 about the difficulty when experiencing -- when -- for trans
3 and two-spirit experiencing violence to access safety
4 shelters, particularly whether it's for intimate partner
5 violence, sexual violence, like rape crisis centres. Is
6 this something that you can sort of speak to and are you
7 aware of any facilities or programs or initiatives that
8 create those safe spaces specifically for trans and two-
9 spirited individuals who are fleeing violence?

10 **ALBERT MCLEOD:** It did occur recently in
11 Winnipeg with The Salvation Army, has a number of safe
12 space is generally for the homeless. So, recently, in the
13 last number of months, they did create -- identify some
14 spaces specifically for LGBT two-spirit people. There was
15 some push back from the broader gay community because it is
16 a faith-based organization. But, again, you know, if it's
17 something that the gay community should be doing, then it
18 should be providing those spaces. So...

19 **FALLON ANDY:** I think there was some places
20 like Covenant House, but in terms of dedicated
21 infrastructure for two-spirit trans youth leaving --
22 fleeing violence, I don't know many. But, I think that
23 there should be more, and that they should definitely be
24 funded and provided the infrastructure for that, probably
25 with a mandate that's not faith-based.

1 **COMMISSIONER QAJAQ ROBINSON:** Thank you.

2 Fallon, in terms of your social media and art activism and
3 advocacy. Have you received -- so we all know social media
4 and the internet and comment sections. What kind of a
5 response have you received and do you want to speak a
6 little bit about that?

7 **FALLON ANDY:** Sure. I think I definitely
8 get mixed feedback. I made one meme that was about, like,
9 self pleasure and everybody was like -- they were not
10 happy. I made it in response to, like, domestic violence
11 awareness month. And it was really about just asserting
12 your own bodily autonomy just to know that you're not
13 dependent on a partner who is abusive towards you. So that
14 was sort of where my framing was coming from for that meme.
15 And then people just kind of really made fun of it.

16 In terms of my other mental health memes I
17 think I definitely don't receive as much response when I
18 talk about mental health or, like, PTSD or symptoms of
19 mental health afflictions. But when people see them in
20 real life, like outside of social media or Instagram or
21 Facebook, they like them and have, like, stronger responses
22 just in terms of, like, being able to self identify with a
23 certain symptom of mental health or just finding something
24 -- finding one of the memes, like, very validating.

25 And then in terms of my gender memes, most

1 people like them and I often send them to different places
2 and communities and people will ask me to send them, like,
3 PDF copies so that they can print and take it up and hang
4 it somewhere just to, like, -- like, I don't know if people
5 ever see those, like, pride stickers in Toronto anywhere,
6 but, like, it's the same thing but it's more, like,
7 culturally specific.

8 **COMMISSIONER QAJAQ ROBINSON:** Thank you.
9 One of the things that we've been mandated to do is look at
10 how to commemorate and honour those lost to violence. And
11 I was wondering if you had any thoughts on how specifically
12 trans and two-spirit commemoration should be looked at.
13 And I'm going -- thinking about what you said, Albert,
14 particularly, and I'll go back even further. Suicide is a
15 form of violence and I put this under that umbrella, and
16 how many trans and two-spirit individuals when they take
17 their lives their identity is erased, particularly their
18 gender identity and their sexual identity. Is that
19 something that we should be thinking about, particularly
20 when it comes to the commemoration piece of this work?

21 **ALBERT MCLEOD:** Definitely. I've been
22 involved in the AIDS quilt, which there's 72 -- 3 panels
23 with about 15 names or smaller panels on each one, and it
24 really documented the period when Canadians experienced
25 AIDS. And maybe, you know, it was primarily the gay

1 community at the time. Now with the antiretroviral drugs
2 people are living, you know, relatively normal lifespans,
3 so AIDS is not so much an issue, but definitely the quilt
4 itself was a commemoration instrument.

5 And I made a number of panels and it heavily
6 relies on art reflection as a way to commemorate that these
7 people lived, that they had lives, they had dreams and that
8 they were part of our society. So I think there's
9 opportunity to do something similar because, again, you
10 know, when you're on the move, you know, you don't have a
11 laptop or you don't have a computer, you know, getting your
12 mail or keeping communication, at least there will be a
13 central place that people can come and remember their
14 friends and that, you know, they were important people,
15 contributors to our society.

16 And so I did -- I have two Facebook groups
17 with about 600 people on each. One's a page, one's a group
18 but they get the same stuff every day. I meant they get
19 the same content sent to each group, not the same stuff.
20 And one time I documented the number of people we lost in
21 Winnipeg who were Indigenous. Some of it was AIDS, some of
22 it was, you know, violence, some of it was suicide. And
23 there was 60 people on that list of our friends; right? So
24 it's quite a lot to carry and to acknowledge. And I think
25 other than that they're mostly forgotten people. So I

1 think the commemoration is really important.

2 **FALLON ANDY:** Thank you for your question
3 and thank you for your openness to asking that.

4 I do think that the Inquiry should expand
5 its mandate to include trans-women and gender nonconforming
6 people, just because I think that it is inherently
7 discriminatory that people are excluded, even though they
8 identify as women, are not included here. And I think that
9 that is a systemic underinvestment of time and labour and
10 funding and could be -- it could just help address -- or
11 just signal a larger shift in Canada to say we do need
12 these people in our communities because they have a lot of
13 value and what they bring to us is specific and unique and
14 we need this in our society. So, saying that shift would
15 be really important.

16 In terms of the commemorating part, I
17 definitely think that that is important, even as a first
18 step I think that's important. And I don't have any
19 specific recommendations for how to commemorate them, but I
20 definitely think alongside everybody here is perfect and I
21 trust that the Inquiry staff would be able to find the
22 correct solutions to commemorate people respectfully and
23 lovingly.

24 **COMMISSIONER QADAQ ROBINSON:** My last
25 question is sort of building on what you just said. You

1 mentioned the importance of trans and two-spirit youth
2 particularly, but people generally. There are a lot of
3 middle age and older who are just coming into understanding
4 identity as well, particularly post, you know, impacts of
5 residential school for the survivors. We have a forum
6 right now and I don't doubt for a second that there are
7 many listening that, as you said, need some heroes. So my
8 last question for both of you is, are there other two-S
9 LGBTQQIA heroes out there who you'd like to highlight,
10 whether it's their writings, their film, their artwork,
11 their activism or social media efforts? So that's my final
12 question.

13 **FALLON ANDY:** Yeah, definitely everybody
14 that I swore on all their books. I definitely love all my
15 friends, but I definitely also just want to keep their
16 privacy and keep them safe, but definitely them.

17 **ALBERT McLEOD:** So I think Ayana Marico (ph)
18 is one, Christos Polutt (ph), Billy Merasty, Thomson
19 Highway, Waawaate Fobister, Tuma Young. So we do have our
20 heroes in the community. And as I mentioned earlier
21 through the GSA and the role modelling that there is some
22 attempts to do that in the community, like, Dr. James
23 Makokis and Dr. Alex Wilson who kind of been the leaders in
24 this movement. So there's no shortage of heroes.

25 **COMMISSIONER QADAQ ROBINSON:** Thank you.

1 **MS CHRISTA BIG CANOE:** Commissioners, I
2 understand that you'll have gifts for our witnesses, but I
3 have two housekeeping items, if I may. And my apologies,
4 at one point the Chief Commissioner asked me if I wanted to
5 make Fallon's slide presentation an exhibit, but I was
6 actually asking for another document. So, the Registrar
7 has brought to my attention that I never did actually make
8 Zanigowan Anoch Nagaowan, which was the slide presentation
9 Fallon shared, an exhibit. So, could we please?

10 **CHIEF COMMISSIONER MARION BULLER:**

11 Certainly. Fallon Andy's presentation is Exhibit 15.

12 --- EXHIBIT No. 15:

13 Powerpoint entitled "Zaagidiwin

14 Inakinogewin" (25 slides)

15 Witness: Fallon Andy

16 Submitted by Christa Big Canoe,

17 Commission Counsel

18 **MS. CHRISTA BIG CANOE:** Thank you. And then
19 the other housekeeping is just an announcement in relation
20 to parties with standing before they leave for the day,
21 that I would kindly request that parties take the time to
22 draw their numbers for tomorrow's hearing cross order, and
23 that we will have legal staff available in the parties with
24 standing room from 7:30 till 8:00 a.m. to do so. And so,
25 those are the announcements for today and I just wanted to

1 make sure that parties had the opportunity to know that
2 while they're in the room.

3 **CHIEF COMMISSIONER MARION BULLER:** Thank
4 you. Well, dear panellists, thank you so much for being
5 wonderful teachers for all of us. You have given us
6 wonderful gifts by sharing your knowledge and your life
7 experiences with us.

8 We have gifts for you. We were told a long
9 time ago now, it seems, by the matriarchs on the Haida
10 Gwaii to give all of our witnesses eagle feathers to hold
11 you up and lift you up on those days when you need it, and
12 on those days that you can reach even higher than you
13 imagined eagle feathers will take you. So, thank you again
14 on behalf of all of us. This has been a fabulous day.
15 Thank you.

16 (PRESENTATION OF GIFTS)

17 **MS. CHRISTA BIG CANOE:** Just as the gifts
18 are happening, I just want to remind everyone, we will
19 actually have a song and just a quick closing prayer before
20 the formal hearing for today has concluded, but please stay
21 with us for ending the day in a good way.

22 **MS. SHERI DOXTATOR:** Thank you very much.
23 Merci beaucoup. My name is Sheri Doxtator, and we're going
24 to start with the closing ceremony of the day today. So, I
25 just want to thank all of our speakers and our presenters

1 today, as well as our chairs that walked us through this,
2 our Commissioners and Chief Commissioner as well, all the
3 families that are here represented with NFAC, as well as
4 the elders that are here. So, just before we go to some
5 closing songs, I'd like to call upon Valarie King to offer
6 some words and provide us in a good way in closing out the
7 day today.

8 **MS. VALARIE KING:** I just want to reiterate
9 the MC's words. I'm very impressed by peoples coming
10 together and the sharing from the panellists. You're very
11 eloquent, magnificent, wise, and I learned a lot. So, I
12 thought about -- I kept thinking about when you were
13 talking about colonialism and things like that, I thought
14 about this research piece I came across about our women and
15 when the settlers came. And, as life givers, we're always
16 picking the medicines to take care of ourselves, because we
17 need to clean the toxins out of our body, whether we're
18 having a baby or just the moon time, that's our job.

19 So, we know the medicines. We know our
20 connection to the land. We know that we are connected to
21 the water. We knew that we were together around the fire
22 and have full moon ceremonies and on our Grandmother Moon.
23 We had those land connections. We know. And, even though
24 some people may say they're lost, they're not. They come
25 back instinctively through our blood, through our memories,

1 through dreams. Whatever way they come through, they'll
2 come back through. So, that's one of the things that I've
3 been doing in my community, is bringing those back the last
4 30 years to help our women, and now to help our young men.

5 So, the story that was written was that they
6 talked about our women, the settlers looking upon our women
7 in the bush with their skirts on. And, what it said was,
8 "Look at those women. Look how mindless they are. Look
9 how lustless they are. They're on their hands. They're on
10 their knees for us to come and rape them, to have them."
11 That was written a long time ago, and they were picking
12 medicines.

13 And, I knew racism wasn't dead, because when
14 that standoff happened in Caledonia, all the men were
15 saying that to us women when we had our arms locked. We
16 weren't responding, but they were calling us a swear word,
17 "squaws". They call it "squaw", they call it "squaw vine".
18 We don't call it that. It can come in all seasons that
19 medicine to go pick. You just have to part the snow and
20 get that medicine. But, they call it "squaw vine", and we
21 have it in our language of that. That's what kept coming
22 back to me.

23 But, we do have that connection to our land
24 and to our teachings. That's what's going to take us back.
25 So, I encourage each and every one of you to use that water

1 today and the next three days to help you, to clean that
2 toxin out, to keep flushing your system, to keep you up.
3 And, miigwetch to you for keeping the fire going, for
4 keeping us connected to Creator, to manidoo, and for all
5 medicines and all the helpers as I watched you help the
6 people here and keep them uplifted.

7 Everyone here that organized and the things
8 that you do, keeping that sacred space, I heard sacred
9 space, how are we going to do that sacred space? Well, you
10 are already doing it. So, miigwetch for all the love and
11 the kindness and respect that has been given, and even down
12 to the eagle feathers and the Commissioners for being so
13 loving and kind.

14 So, I'm going to hand it over to these
15 girls, and for the ones that are leaving, I wish and pray
16 for you for safe travels and for your family. I was going
17 to sing, but they're going to sing to these beautiful
18 people.

19 **GRANDMOTHER BLU WATERS:** Before we do our
20 song, we just want to take a minute to honour all those
21 women that have gone missing and all those that have been
22 murdered, all those that are in our institutions, all those
23 that are in our hospitals and unable to be here. So, we're
24 going to take a minute before we do that just to
25 acknowledge that, because unfortunately every day there's

1 one and more of our people going missing and being
2 murdered. So, we're going to honour them with one moment
3 of silence, please.

4 (MOMENT OF SILENCE)

5 **GRANDMOTHER BLU WATERS:** Thank you very
6 much. We're going to be doing the Women's Warrior song.
7 If you know it, please join in with us. For those of you
8 travelling, have a safe journey home. For those that will
9 be returning tomorrow, we look forward to seeing you again.

10 (MUSICAL PRESENTATION)

11 **MS. SHERI DOXTATOR:** Yong-go (phonetic) chi-
12 miigwetch neh-shik (phonetic). Thank you very much and
13 thank you very much for that. We're not quite ready to
14 leave here. So, just before we do leave, I also want to
15 recognize, as some of the speakers did before me, Naulaq
16 Ledrew for standing our qulliq today. So, before we leave
17 today, we're going to have an extinguishment of the qulliq
18 today. So, I'll turn it over to you. Do you want to say a
19 few words first? We need a mic on, please.

20 **MS. NAULAQ LEDREW:** (Speaking in Inuktitut).
21 I was just doing closing prayer that you guys had a good
22 meeting, and to keep an open mind, and to meet and greet
23 people that come into your lives, like respect them as we
24 respect ourselves. And, I just recited the Lord's prayer
25 in my language, and I'm going to say good night, have a

1 wonderful evening, and I'll see you tomorrow morning.

2 **MS. SHERI DOXTATOR:** Great. Thank you very
3 much. Just a few housekeeping things before everyone
4 leaves, we -- there is a drum circle, it's actually started
5 now, at the Native Canadian Centre with Sue Croweagle. You
6 heard her this morning. They are serving hot dogs this
7 evening, so that's enticement enough right there. You can
8 take Bus 121 or an Uber over, and everyone is definitely to
9 welcome to attend that.

10 So, for tomorrow morning, we're going to be
11 looking at racism in institutions. So, I encourage
12 everyone to come back. We do want to start at 8:00
13 tomorrow morning, so come back here for 8:00. We'll do an
14 opening ceremony and get ourselves in a good way tomorrow
15 morning. With that, I thank you very much, yong-go chi-
16 miigwetch a-noo-shik (phonetic), merci beaucoup, and I hope
17 you have, all, a great evening and rest up. Thank you.

18 **MS. CHRISTA BIG CANOE:** And, just for
19 clarity, the pulling or drawing of the number is tomorrow
20 morning at 7:30 to 8:00 a.m.

21 --- Upon adjourning at 6:00 p.m.

22 LEGAL DICTA-TYPIST'S CERTIFICATE

23

24 I, Nadia Rainville, Court Transcriber, hereby certify that
25 I have transcribed the foregoing and it is a true and

1 accurate transcript of the digital audio provided in this
2 matter.

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Nadia Rainville

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June 11, 2018